

NACEPT TOXICS DATA
REPORTING COMMITTEE

May 27, 1998

Double Tree National Airport
300 Army Navy Drive
Arlington, Virginia 22202

Proceedings By:

CASET Associates, Ltd.
10201 Lee Highway #160
Fairfax, Virginia 22030
(703) 352-0091

PARTICIPANTS:

Committee Members:
Dr. Krisztina Bordacs
C. Corwin Bromley
Linda Brown

Samuel Z. Chamberlain
 John C. Chelen
 Michael Keith Eck
 David Fees
 Susan Ferguson
 Robert J. Garner
 Carolyn Hartmann
 David Jacobs
 Thomas E. Natan, Jr.
 Paul Orum
 Edmund Skernolis
 Grant Smith
 Michael Sprinker
 Robert C. Steidel
 Jonathan A. Stone
 Wilma A. Subra

Also Present :

Lynn Cain
 Tim Crawford
 Maria Doa
 Fern Feil
 Susan Hazen
 Alice Mayer
 Michelle Price

TABLE OF CONTENTS

	<u>Page</u>
Welcome and Introductory Remarks	1
Update on 1996 TRI Public Data Release	9
Discussion of Summary of Ideas on Form R Redesign	23
Presented by Four Groups at March TDR Meeting	
Brainstorming -- Burden Reduction Ideas	30

Introduce/Review	EPA/OMB/SBA	Issue	Paper	on	Form	A	110
	Clarifying	Questions					
	Comments	on	Options				
Public	Comment						218

P R O C E E D I N G S [8:40 a.m.]

MR. FEES: Good morning. I would like to start this morning by going around the table and doing introductions. I understand that there are several people that are sitting in for committee members. When you introduce yourselves, if you could explain what company or trade association that you belong to and who you are representing.

We will also go around the periphery of the room and find out who is here.

Why don't we start down at the end with Tom.

MR. NATAN: Tom Natan from National Environmental Trust.

MR. STEIDEL: Bob Steidel from Hopewell Regional Wastewater Facility and also representing AMSA.

MR. JACOBS: David Jacobs, Northwestern Plating Works, here on behalf of the National Association of Metal Finishers.

MR. GARNER: Bob Garner. I am with CHEMCENTRAL, representing the National Association of Chemical Distributors.

DR. BORDACS: Krisztina Bordacs with SmithKline Beecham.

MS. CAIN: Lynn Cain from the Massachusetts Department of Environmental Protection.

MR. CHELEN: I am John Chelen from Unison Institute.
MS. HAZEN: Susan Hazen from EPA, the Toxics Release
Inventory Program.

MR. FEES: David Fees from the Delaware Department
of Natural Resources, Environmental Control and the TRI coor-
dinator.

MS. DOA: Maria Doa, EPA, TRI Program.

MS. PRICE: Michelle Price from EPA's TRI Program.

MS. SUBRA: Wilma Subra, Louisiana Environmental
Action Network.

MR. CHAMBERLAIN: Sam Chamberlain, Pioneer Compa-
nies, representing the Chemical Manufacturers Association.

MR. BROMLEY: Corey Bromley, Cyprus Amax Minerals
Company, representing the National Mining Association.

MR. ECK: Michael Eck, U.S. Army Environmental Cen-
ter.

MR. STONE: Jon Stone, Delta Resins & Refractories,
representing the American Foundrymens Society.

MS. FERGUSON: I am Susie Ferguson from the State of
Texas, Texas Natural Resource Conservation Commission.

MS. BROWN: Linda Brown, Louisiana Department of
Environmental Quality.

MS. MAYER: Alice Mayer.

[Further introductions off microphone.]

MR. FEES: Thanks.

Next, we are going to go over the agenda for the
next two days. You probably have a copy of that. Michelle is
going to go through that. I have added one change, actually
sort of one shortening or deletion.

So, Michelle, would you --

MS. PRICE: Okay. Basically, we are going to go
first into an update on where we are in the TRI Public Data
Release. Then we will at 9:15 go to, if we take that long,
discussion of the summary ideas on the Form R presented by the
four groups at the last meeting. That is Dave's allusion to a
shortening. He thinks that only will take about 15, 20 min-
utes.

So, then we will probably get right into the brain-
storming on burden reduction ideas and Fern Feil will kind of
give us an idea of how we are going to go through that.

We will have a break somewhere during that brain-
storming session, probably at 10:15, and then go to lunch at
12:00 and depending on how we do with the brainstorming in the
morning with the additional time that we will have, we will
either -- at lunch, we will decide -- either at break or
lunch, either when we come back at 1:00, go on with brain-
storming or go ahead and start off with the EPA/OMB/SBA issue
paper on Form A.

Then we will spend the afternoon from 1:30 to 2:30
focusing on that part of the issue paper that -- the first
part on options, which don't modify current eligibility and
then at 2:30 take a break, come back after that break and at
2:45, we will continue with the issues paper and focus on the
options, which do modify the current eligibility for the Form
A.

At 4:30, we will go to the public comment period.
At this point, we have already four speakers signed up during

that public comment period. So, we will have all of that time taken up from 4:30 to 5:00.

On Thursday, we will start off at 8:30 and outline kind of where we are going for the morning. At this point, we believe it will start at 8:45 with continuing the burden reduction discussion. What we want to do is take -- we want to take the ideas we get out of the brainstorming session today and spend a little bit of time this evening, the EPA folks, looking at those ideas and trying to put together some feedback for you all for tomorrow on some of those ideas, whether or not some of them are legally feasible; you know, just give you a sense of EPA's view on some of those ideas that come out of that session and then work with you all on grouping the brainstorming ideas and the Form A options for discussion.

Then we will do further clarification of ideas and discussion by committee members. And if we can, we will do some multi-voting to identify for EPA the ideas that the committee believes we should pursue more than others.

We will take lunch. We will wrap up the burden reduction discussion after that, take a break and then we will spend an hour talking about the committee report that you all will be working on. Dave Fees will lead that discussion and then after the committee report period of time, we will do brainstorming for suggestions, for issues to cover at the June meeting.

We have had a lot of issues that we wanted to discuss with you all and we have gone through a lot of those and we wanted to find out if there are things you thought we still needed to cover and try and cover those at the June meeting.

Then we will wrap up at 3:45 tomorrow and figure out our next steps for the June meeting.

And that is about it on the agenda. Does anybody have anything they feel like we need to add or -- Sam?

MR. CHAMBERLAIN: I would like to put on the agenda a discussion about changing the meeting date for June. I have got some conflicts and it is also the holiday weekend, but at some point in time, I would like for us maybe to have a dialogue and see if we might be able to find another date in June.

MS. PRICE: Okay.

MR. FEES: We can talk about it. I think every time we need to always continue to poll the whole group.

MR. CHAMBERLAIN: I notice a lot of people are missing this morning. I don't know, do you anticipate more being here tomorrow or do you have any idea, Michelle?

MS. PRICE: Let's see. I know Ken Geiser won't be here and sent in written comments, which I was going to pass out. I know that Joan Fassinger won't be here.

MR. FEES: Is Paul or Carolyn going to be here?

MS. PRICE: Paul and Carolyn -- nobody has told me they wouldn't be here. So, they are supposed to be here. Do you know anything, Tom?

MR. NATAN: Paul should be here. Carolyn is having child care problems. So, I don't know. I imagine she will be here. I just don't know when.

MS. PRICE: Let's see. As far as I know, Ed Skernolis and Grant Smith are supposed to be here. Mike

Sprinker is supposed to be here. So, I mean, the only people that I know are not going to be here are Joan and Ken and then Andy Comai was a questionable. He called me last night from a pay phone and was having a discussion with his boss as to whether or not he could make it. So, if we see him, we see him.

MR. CHAMBERLAIN: I guess the point is that maybe tomorrow might be a better day to discuss that.

MR. FEES: With 16 of 24 people here, that is how many I counted, yes, it would be tough to do that.

MS. PRICE: Yes. Maybe we can talk about it a little bit later today if more people show up, just take ten minutes and talk about it after one of the breaks or something or discuss it tomorrow morning.

MR. FEES: Yes. Certainly, anyone who feels as though there is a conflict from last meeting to now for the June meeting, just talk to Michelle about it and we can start seeing what the count is, sort of like what we did for the May meeting, which is the least -- which is the meeting date that we have the least number of people that can't make it.

Susie.

MS. FERGUSON: Could we ask on the agenda a discussion of the status of minutes? In fact, we have not seen those written materials recently and I don't know where we are.

MS. PRICE: Okay. I can do that now. We can take a few minutes on that now.

MR. FEES: Let's do it now.

MS. PRICE: The September minutes you all have. The December minutes are complete, but I didn't have a chance to get them copied and get them over here yesterday. The January minutes and March minutes I can try and complete in the next week or two and get all three out to you and then we will have to wait on these minutes, obviously, but I should be able to get all three sets of minutes to you all in the next two weeks.

MR. CHAMBERLAIN: Of the minutes, what I understand based on your request for comments on the minutes, that technically speaking, I think, the September minutes are final. The December minutes should be final and the January --

MS. PRICE: The January minutes I had asked for comments on and received comments from several people, which still have to be incorporated and --

MR. CHAMBERLAIN: So, that would be a draft?

MS. PRICE: Well, it has already been a draft once. I mean, I would like to finalize it if at all possible, but I guess I could send it out and give people a week to give any final comments.

MR. CHAMBERLAIN: I think it would be nice if we could see what the total package looks like with everyone's comments in it maybe as a final draft and then any major changes and then get that back to you as soon as possible without dragging it on.

MS. PRICE: We can send the January minutes again, I mean, with the comments that have been incorporated and give people like a week to comment and then finalize them.

Then the March minutes still have to be sent out as

a draft.

MR. CHAMBERLAIN: Right. Okay. Thanks. That is a good idea.

MR. FEES: The next item -- any other questions, comments, on the agenda? Okay.

The next item I think Maria is going to take up and that is the 1996 TRI PDR.

Agenda Item: Update on 1996 TRI Public Data Release

MS. DOA: This is a follow-up to a memorandum that I sent out to everybody about the data release. There have been a number of discussions on ways to improve the information. There were some suggestions that we were able to incorporate like providing some production information so that people could -- that would be in this year's data release.

The other thing that we did for a few reasons was to change the presentation from the previous year and we laid out everything that met the definition of "release," all sort of in line. It provides a lot more detail. These weren't grouped the way they were in previous years because we broke down underground injections into about 55 wells. We broke down the landfills into subtitles.

When you guys had talked about releases, there was no consensus on how do those releases -- what to call them, you know, indirect, direct. So, what would be in for sure, what would be out for sure. So, there was no way for us to take at that time any consensus on how to group them and apply that.

The other thing was with the breakout in the underground injection and the RCRA, Subtitle C, and the other landfills, there wasn't an obvious breakout that flowed from the previous years because I think some people feel if you include Class 5 wells, people feel that is basically a ditch deeper in the same grouping as Class 1 wells, but if you include Class 5, but exclude RIPRA, Subtitle C landfills, would you have that additional information.

There were a number of issues. So, the most usual way to handle it was to lay everything out. Now, I think if the group can come up with some consensus on how to group the releases, then that is certainly something that we will seriously look at for next year's data release.

So, I think a number of people wanted this on the agenda. Are there any questions?

MS. SUBRA: Are you going to do the rankings or are you going to do that as part of the press release?

MS. DOA: There are certain rankings for states that are in the state fact sheets and the ranks are based on on and off site releases and there is a separate rank based on on-site releases only.

There is -- but in the data release there are no rankings, like facilities across the country --

MS. SUBRA: Counties?

MS. DOA: Not in the books.

MS. SUBRA: Are you going to do that as part of the

--

MS. DOA: It is not -- we are still working on that. It is something we can certainly look at, yes.

MS. SUBRA: And when?

MS. DOA: Oh, sometime after June 15th, but we don't have a date yet for sure.

MS. FERGUSON: I have some concerns not so much with the choices that were made in terms of the public data. I can understand -- I may have some different concerns about what your choices were. I am a little concerned about the interaction of the facts group of EPA when we are discussing issues. If you have made decisions and we could hear from you why you are making the choices you are making in terms of information representation.

We spend a lot of time on issues, don't have final minutes, don't have final documents and, yet, those are the sessions that are characterized as consensus/non-consensus. I have heard more conceptual agreement on some issues than perhaps EPA characterized in the information presentation. So, I am even questioning what is the value of this at EPA. If this is the smoke and mirrors just to have a forum so you can say that you had a forum for stakeholders, I have more important things to be doing with my time.

If you really want input, we ought to be talking about it. That doesn't take away EPA's right as a regulatory agency to say, no, we are in a lawsuit. We are going to do x, y, z. That is okay. But it seems to me that we should have been having those dialogues, particularly in the last meeting when we knew you had made these decisions and you allowed us the time to discuss on the fringes of that on public data.

I guess I am personally a little dismayed and disenchanted with the process.

MS. DOA: Well, I am sorry that we provided you with that impression. We purposely, because of what the group was doing, didn't group the releases, you know, in a separate way, based on what we thought would be appropriate as an interim step because we wanted -- it is very important with a group balanced the way you are that when you group releases and that when you pretty much agree, that is something that we can go forward with and use.

But to go forward with something that has come out of the group where -- maybe I am the only one that didn't hear any agreement, but I was not hearing agreement on even what to call it. I thought that that would have been premature and that is why this very sort of straight by the book layout was provided as an interim.

MS. FERGUSON: I guess I can understand continuing in the way you have until you feel you have input to make change, but I think you made change in the middle of getting input and that is of concern and, yet, we are saying -- and we didn't make a lot of change because we didn't have it characterized in that instance.

I guess if you have to make decisions A, B, C on the data release to even just say we are making these decisions a little bit different than last year, we want to be neutral on this particular area and we think this is a neutral area to discuss. This is how we are going to put it together for this particular release.

We still want your dialogue to -- I mean, it was related to the topic that we were going through in a lot of detail and we could have given an immediate feedback to you on

what your particular points were during the last meeting in particular.

You could even have that at the end of the meeting time if you wanted to go free rein on the dialogue. But that discussion to me would have been real pertinent and important. I don't know, again, what the use of a stakeholder group is if you don't bounce ideas like that off of us in terms of what would be important to different stakeholders.

MR. STEIDEL: I appreciated getting your letter on - - shortly after that on April 28th, we did our community preparation and response and reporting of the TRI data for our community. I did go ahead and present this table and, again, it just shows off-site releases as transfers offsite to disposal in pounds. And, once again, in our presentation to our community, which was done both to the city council and was also televised with citizens invited and participating, the composite TRI reporting for Hopewell was for the 60 or 50 percent less than what we actually reported if you use net to the environment.

And, again, this year, at least the table we see here doesn't provide any information. Maybe the PDR has information in it text-wise that would explain what transfer in the environment is and what some of this removal is, but we made this presentation and the Hopewell Committee Industrial Panel wanted me to come back and relate that they were disappointed that they were not able to, again, show what destruction happens for some TRI chemicals in the community and also our policy makers wanted me to again explain that they are hoping that they can take advantage of what they think is an asset to the community of having a waste water plant that removes it.

MS. DOA: Right. Okay. The net going to the --

MR. STEIDEL: Right.

MR. SKERNOLIS: I want to second what Susie said about a concern with how this was handled. First, I think that this group should have been made aware of the changes that you were proposing to make in the midst of our discussion. I think, for example, one of the changes you did make or one of the elements of the PDR that was made would have been very, very important to the discussion and debate about how to characterize releases, which is bringing in off-site transfers and counting the receiving state as ranking the states based on releases for off-site transfers.

When you bring commercial waste facilities into the scheme in the 1998 report, you are going to continue to distort again your release numbers because of that decision. Yet, we were never able to talk about that in this discussion in talking about how to define release under Form R because we didn't have that information.

I think that is an important element of the discussion, which is proper presentation and representation of this information to the public. So, you may have non-manufacturing states or low level manufacturing states with very little control over pollution prevention programs or the like, but which happen to contain commercial waste management facilities are suddenly going to find themselves moving up the ranking and having states with large numbers of -- with large volumes of

releases and a pollution prevention -- built around a pollution prevention program over which they have zero control. And I think that simply perpetuates one of the reasons why this group was asked to look at the release issue, which is a continuing flow of misinformation to the public about pollution prevention and the information displayed in the TRI program.

The second thing I am concerned about is what you just stated now is that EPA feels it can't act unless there is consensus. Well, I didn't know I had a veto over EPA acting here, sitting at the end of the table. But those were the words you said, Maria, and that was absolute news to me six meetings into this.

MS. DOA: I am sorry. I didn't mean to communicate that. The release issue has been something that has been very contentious and just listening to what has been talked about, especially in the initial meetings of this committee has been very contentious. I just think if we are going to take a look at grouping the releases, and especially since we have more information on the underground injection and the landfill breakout, if we are going to group it, it is much more helpful going forward with something if we have a balanced committee giving us a recommendation and we can work on that.

I mean, I just think so because you have the -- here we have the opinions of people who represent different constituencies. And I think -- through the years that I have been with the program, I have certainly heard such disparate things about releases and what they are and people look at them so differently.

MR. SKERNOLIS: I understand but I just don't think the notion of absolute consensus has to be brought in to EPA making rational decisions about how to go forward. It seems to me one of the things this FACA is doing is also presenting to you problems and issues, which maybe you have to resolve and propose solutions to.

I don't want to put words in people's mouths, but, you know, there are people in this room who have said I don't have a problem with the idea of distinguishing. I am not sure exactly what the criteria would be for distinguishing the two. Some of those distinguishing criteria get into elements of statutory construction, very technical issues about containment and risk and this body is not constructed to answer those issues in any effective way.

We are not a body of legal technicians or RCRA technicians who can advise you about how to make those kinds of definitions.

MS. DOA: I mean, I think we have the expertise and I could sit down and say I would put this in and this out. I just think that there is so much added value on an issue like how do you present release information that can be provided by this committee. We didn't want to take -- to sit there and decide on the interim to leave out RCRA, Subtitle C from the group with Class 1 or group without Class 1, the other one.

It was such a -- it is such a contentious issue.

MS. PRICE: I have to add that I am sure that if we had made some decisions and made some different changes, we would be hearing just as much criticism of what we had done.

I mean, frankly, we are real interested in seeing what kind of report you all come up with to us on these issues. I don't think that we expected to be some unanimous consensus report. I think we expected to express some majority and minority views on these issues and I think having those down in a committee report to EPA will be real helpful to us.

MR. SKERNOLIS: I am not criticizing your decision. I am criticizing the fact that we didn't have what your decision was and we weren't allowed to debate the wisdom of that decision as part of our discussion about releases. Whether we agreed with you or not is a secondary issue.

I was just distressed that we weren't even told that you were going to be making PDR changes about how you were going to bring release definitions into the PDR and we didn't even know about it.

MS. FERGUSON: After following your ground rules of not changing the regulatory and such things, the committee has been very good about following EPA's concerns, understand that that has cut off any dialogue that you would have heard as well.

MS. DOA: Well, I am -- I apologize. I just don't know that we were in a position to share this with you in March. I mean, we have additional constraints.

Susan, you wanted to add --

MS. HAZEN: Yes. Just to add a couple of comments. I think the points you are raising are very legitimate. From EPA's perspective in March when we were thinking about making changes and no final decisions had been made, it would have been difficult to share that. That is not to say we shouldn't have or we shouldn't have found a way to do it. It would have been extremely difficult.

As I was looking at the changes that were being suggested, perhaps I didn't look at it correctly because what I looked at and what I finally approved to go forward to others in the agency was not a change from my perspective in the sense that we were changing lots of ways of adding things up and grouping things.

From my perspective, what we were trying to do was to actually lay out the data just data element by data element by data element with as few groupings as possible to get away from all of the concerns and issues people are raising about, well, if you add these two together and those two together. From my perspective, it was just an unbiased level array of each and every data element in the form.

I take your point well. I think in the future it is worth thinking about changes. I personally will make it my responsibility to go to folks and say we want to share this with the NACEPT committee and just try and get approval to do that because I think the point you are making about I don't want to come to these meetings time after time after time if my input isn't valuable, if my input isn't going to make a difference, then why I am going to sit at this table.

It is a very valid concern. It is not one that I want this group to have because, quite frankly, this is one of the major groups that I use to get feedback on where we are going. What I would like to suggest and I have no idea if this is going to throw all the schedules for all the meetings

off, but what I would like to suggest is that once the data has been released, that we spend at least one full morning with the actual data release, the numbers, the presentations up in front of us, going through them and establishing the majority and minority opinions on what should be done with the actual data there in front of us to work with.

I don't expect consensus from this group. I have never expected consensus from this group from the first day we met. These aren't the kinds of issues we are going to have consensus on.

I have been actually quite pleased with -- for some issues how we seem to really have majority opinions and that has been very helpful.

So, I would suggest that at the next meeting if we get the data release early enough in June, that we do that and looking at actual numbers and actual tables, we take away from this group the recommendations for next year and report back to you what we believe we can and cannot do based on the discussions.

MR. FEES: My only question, Susie, is in specifics the off-site releases were joined with the on-site releases in terms of doing rankings for facilities of the chemicals on the state fact sheets. It is there that that specific item that -- I guess I am not clear on why that was done because that is the thing that I saw that was different from the previous year where the on-site releases were land and then including the underground injection. They were the two traditional releases.

Now, putting on this off-site disposals, which are releases in 8.1, you combined many, and what was the rationale for that?

MS. DOA: We were just not distinguishing among releases. I mean, that was the basic rationale, so we were -- for the facilities and for the chemicals, we were just --

MR. FEES: Since off-site disposals are considered releases --

MS. DOA: Right, because off-site disposal is underground injection, landfill, land treatment application, farming. So, it is --

MR. FEES: So, they are under the definition of "releases."

MS. DOA: Right. They are land releases pretty much and underground injection.

MR. CHAMBERLAIN: Just a clarifying question. That was all used in the rankings for the state fact sheets?

MS. DOA: For the state fact sheets there were -- the ranking was on and on site -- the state was ranked by -- and that is the definition of "release" -- but in addition we added a separate line that just ranked based on on-site releases. Then there was --

PARTICIPANT: By the state, not by facilities.

MS. DOA: By the state and then for the facility there were the on and off-site -- the releases that the facility essentially generated, whether it was handled on site or sent off site to be handled.

MR. BROMLEY: I guess for fear of being redundant but I would just as soon say it again is that if you guys --

whether we have a quibble with the decision or not is irrelevant per se, but if you guys have those ideas of going forward with that type of changes, that we want to be able to at least have them.

You don't have to present them as something necessarily -- if there is some confidential reason you want to keep them as a decision already made or whatever, but at least put them out on the table and hear some input from them saying that these are things that are open for discussion and that are thinking of going, whether you have or have not made a decision, at least we would appreciate some input and discussions because I don't really recall that discussion ever occurring on those specific issues.

We maybe touched around the edges and what not on our other discussions but not specifically on those issues.

MS. DOA: Okay. Point taken.

MR. FEES: Any other questions or comments regarding the upcoming PDR? Okay.

Agenda Item: Discussion of Summary of Ideas on Form R Redesign Presented by Four Groups at March TDR Meeting

Let's move on to the next item on the agenda, which is the discussion of summary of ideas on Form R redesign. I got up with the four groups because I was the key person for Group 2 and I have begun to massage the items together, but I haven't yet finished up a draft on that. So, basically I don't have really anything to go over on that.

I am a little leery of striking ahead too far with that process until we define what our end product is going to be because pulling together the four group recommendations, some things were similar. A lot of things were different. We need to do all that work and the end thought that we report doesn't use it in any way. So, I think I want to be clear as to what our end product is going to be. Then I can give you a better idea of how we want to proceed with compiling those recommendations.

We will be discussing the committee report tomorrow afternoon since I would like to readdress how we go forward with the recommendations. I guess I am a little gun shy on compiling the recommendations after we had done the characterization of TRI data. By the way, I have updated that with the item that Paul and Sam had worked on and had given me on that Issue 1, Item 4, that made its change there.

Made a few other changes to that. So, I have a new draft. I have a hard copy with me today, an electronic file with me today, but I will e-mail that out to you shortly. But I didn't make all the changes on that inasmuch as there were some items that I don't think represented -- it was one or two people's views on it. I am afraid making changes, incorporating those few comments may go against the grain of five or six people. So, you will notice that I didn't make any changes to that.

So, I think that is where both of those items sit and we can bring that up for further discussion when we get to the committee report, unless anyone has, you know, ideas, comments now as to how we could proceed with that.

MS. FERGUSON: David, I think you had a hard copy of each of the group's recommendations at this point in time.

Could we just share those?

MR. FEES: You mean just reading them off?

MS. FERGUSON: Yes. Distribute the compilation as separate groups. Maybe that would be helpful in advance of our discussion tomorrow.

MR. FEES: What I did, I had asked Michelle, who had put the draft minutes of the March meeting together, to get to me what it was that EPA had down in writing on with the four groups and that is what I have here. I have actually clipped from her draft, clipped the four group -- and not only are there bullet items, you know, we recommend this, this, this and this. Then there was also some comments following it and I have all of that here.

I mean, I can share that with you now. It is a bit much.

MS. FERGUSON: Could we have copies made and distribute this? I mean, rather than take the meeting time, I mean that may be --

MR. FEES: I suppose we could. I mean, I know it is draft. Now, I circulated each of the groups, the portion, like for Vicky Sullivan, who presented for Group 1, I sent her the Group 1 portion and said, you know, what do you think of this. Does this jive with the notes that you had and what you recall was said about your group's recommendations? And everyone of them got back to me; Vicky for Group 1. I was Group 2. Susie for Group 3 and Joan for Group 4. Everyone got back to me to say, yes, this is sort of what we call -- I presented for our group. So, I had that and, like I said, I clipped that -- yes, everything is here because there is even -- even after each of the four groups, Michelle had organized the notes to have overall comments where we went back to each of the four groups and asked, okay, now, are there any objections or any objections to why this can't be a committee recommendation.

So, she went through each of the four groups and some she has like no objections. Others, the facility idea applies to only a few facilities and things like that. So, there were some other comments. So, that is going to have to be kind of rolled into packaging all these up. I just did muster the energy to do that.

If it is okay with you -- these form the draft minutes that --

MS. PRICE: Yes. We don't have a problem with that. We can get them copied.

MR. FEES: That I clipped it properly.

MS. PRICE: I am sure you did a fine job. If you want to give it to me, we can take care of getting it copied in the next couple of hours and get it out to everybody.

MR. FEES: And, of course, if there is anyone in particular, like Sam, I believe, at the last meeting had expressed an interest beyond the four group leaders to be part of compiling this together. I think when it comes to developing a committee report, we are going to need to establish some work groups to do that work.

Well, Why don't I get on to the report? I have got another -- because we will be doing that tomorrow -- I have got another draft report from the TMDL committee. I

represent the TDR on the council, the NACEPT Council, and I received a draft of a report that, you know, the council will be reviewing and making comments on in the next month or so. It is another kind of good example of a product that we could possibly look at as a template.

I noted that in here there are a number of cases where it says the committee didn't agree on items. So, it is not -- it is not like some of the other recommendations where it seemed like every committee member agreed on everything and everything was hunky dory. There is some real life example here.

It is rather thick and big, as you can see. It includes appendices, quite a number of appendices. Just this is appendices, but still, you know, fairly thick. So, it might be something of an undertaking to have this passed out to everyone. It is just a draft.

MS. PRICE: Right. Well, if you want, we could talk about it and save it at lunch and we might be able to pick like an excerpt of it or something and we could get it copied and send it out to folks after this meeting so you would have it in preparation for the June meeting, just to see an example.

MR. FEES: Yes, possibly, or those folks who really are interested in working on mechanics of putting the report together, it would be probably good -- something to look at.

MR. STEIDEL: David, one thing about the TMDL report is it has been on the Web in several iterations, too. So, it has been available for not only the committee members to review, but also for the public to at least read, whether or not they are taking comments. Especially that particular committee, I think, has been even more contentious than this committee and has been a good way of getting out the issues for discussion.

MR. FEES: Which raises the point that we need to get a product out like that, too. We haven't talked about putting anything on the Web, other than the minutes of the meeting.

So, that is really all I have with task stuff. If there is no other discussion on that, I think we can move ahead and start on kind of a fresh new beginning.

MR. CHAMBERLAIN: David, let me see if I understand what you are proposing. What you are going to do is you are going to take the input from the four groups and you are going to send those out for us to look at later today and then are we going to revisit that this afternoon or tomorrow?

MR. FEES: Tomorrow during the discussion of the TDR report. I guess what I am saying is at this point since I and the other group leaders haven't put something together on that, let's discuss it in context with the whole report and see if we can't figure out the direction that the committee will go for our whole report, as opposed to just melding four group recommendations together.

MR. CHAMBERLAIN: Oh, okay.

Agenda	Item:	Brainstorming	--	Burden	Reduction
Ideas					

MR. FEES: We are going to move on. The next topic is the burden reductions, which is pretty much what we are

going to talk about the rest of the day and a good bit of tomorrow. I think at this point Tim Crawford and the facilitator, Fern, are going to run the show.

MS. PRICE: Tim, did you want to talk about the brainstorming and --

MR. CRAWFORD: Sure. My name is Tim Crawford. I am in the TRI Branch and we were hoping to take care of a few things today, the burden reduction, so we can identify some areas in the program now that can lessen the burden for covered industries. We do have a paper that we passed out to folks and, hopefully, you all have been able to receive it at some point.

We did want to build in enough time for you all to just be able to bring up ideas. Maybe you have got your own notions, but explore stuff in more of a dialogue fashion and then spend a bit of time working on, say, a concentrated area where we have carved out some burden reduction now and see if there areas where we can improve that and discuss some of the suggestions we received to expand it as well, possibly expand it.

So, I think there is a good deal of time set up for this morning's session just to get the ball rolling and introducing the ideas that you all have yourselves. I guess there is an opportunity, too, if you would like, to modify the agenda maybe and discuss the paper first, just to stimulate some notions of burden reduction. But let's try to follow the agenda to begin with and see if there is some process that people want to introduce some notions that they might have.

MR. FEES: Tim, excuse me. Which document are you referring to? This one?

MR. CRAWFORD: Well, there were two documents that EPA provided. I know that from the last meeting you received some stuff from SBA and we have since then with SBA, OMB and EPA working together tried to represent --

MS. PRICE: The paper that was sent out, the analysis of changes to the ultimate threshold provision.

MR. CRAWFORD: And I have extra copies if anyone would like those.

Hopefully, everybody was able to receive those. If not, we will try to go through the content of the paper and any clarifying questions, we can develop those.

MR. FEES: Susie, do you have a question?

MS. FERGUSON: Yes. It is sort of an underlying -- do you have an established data management objective plan for TRI? Your accuracy versus the nature of information collection and the constant collection issues kind of -- the environmental reporting areas, how are those established and I was curious in terms of this area. I may not be saying that -- your data quality of -- if you are going to look at burden reduction --

PARTICIPANT: Just another box when the already available data is not accurate anyways.

MS. FERGUSON: In effect, should we have best management practices referenced? We have use of available information referenced as items. Generally, when you are collecting information, you make some decisions on how accurate your information has to be up front before you collect that infor-

mation and that helps design the information collection, retrieval and reporting system. It is sort of an underpinning to your information base so if we talk about burden reduction, it is important to me to know what your data objectives are, how you are going to use the information, how you want to use the information in terms of establishing the parameters for those particular programs.

It is fine to say public information but what accuracy, what level of dissemination are you looking for because we have a lot of flexibility in terms of the underpinnings for the program.

MS. DOA: Well, if I could talk about maybe data -- just the data quality portions because I think when you mentioned the statute, I think you mentioned to an extent -- the guidance of the statute basically says people should be using readily available information. So, we don't think that we can mandate a level of accuracy -- you know, if what is really available isn't good enough, then monitor.

One of the things that we try to do, though, and there is a -- there was a handout that describes, the data quality site survey and what we do is we have a contractor who goes out to facilities and looks at the information that they have available and takes that information and what a reasonable person in that industry would have available and fills out the Form R and compares that to the way the facility fills out the Form R.

What we then use with that information is an indication of how accurately people are reporting, but it also provides us with information so that when we develop guidance documents, where do we need to focus, what sort of information do we need to provide to that industry in guidance documents so we can improve the quality of the information.

That is how we get at the quality information. There is also procedures that we have in place when we upload the data to make sure that the data is of high quality. There is something called Notices of Technical Error (notes). We send it back to them with a note explaining why we think that there is a problem and suggesting that they remedy it.

But that just sort of gives you an idea of what we are able to work with in terms of the quality of the data. So, the data quality we have done for 1994 and 1995 and it has been done for previous years, but it is something that we are looking to do more routinely.

MR. SKERNOLIS: I think that the site survey and burden estimate document being handed out manifests the point, I think, Susie was making and what I also want to support, which is this doesn't get at the issue of -- this simply seems to say data -- I mean, if you look at what the objectives of this survey are, none of them speak directly to the issue of the effort put in to make the quality incrementally better, which is, I think, the heart of my concern and I won't speak for any of the other folks in the industry side of this.

A processor can order 10,000 pounds of a chemical to use in processing from one supplier and have one bill of lading to document that he has got 10,000 pounds of otherwise use of a chemical. A waste management facility might have 10,000 customers each sending him one pound of that same chemical in

a waste stream. The cost of getting that information for me might be a hundred thousand dollars and it might be one dollar for the processor.

The public is made aware of the same number and the same figure and it doesn't seem to me that there is any effort underway and this would have been a golden opportunity to do it, to get at that issue of how accurate does this data need to be for purposes of TRI versus the incremental cost of gathering certain kinds of information.

I think in terms of looking at burden reduction, I don't think we can get at that issue until you get at incremental cost issues for more data or marginally higher quality data because we have no idea how marginally better it needs to be. So, the operative word is "more." Well, "more" has no dollar sign attached to it. That is troublesome for us.

MS. DOA: Could I just comment on one thing? This is about the incremental. I mean, there is the language in the statute, I mean, and, so, we need to go by that, where you need to use the readily available data that you have. So, I think that should be considered very seriously.

MR. SKERNOLIS: It seems to me even within that construct, EPA has considerable latitude to look at even readily available data and determine do you now need to count each sheet on which a piece of data appears simply because it readily available or can you use other techniques to make estimates based on some of the readily available data and the like.

I think what EPA attempts to do, in fairness to you, is basically put out technical guidance and hold seminars and everything basically advising industry sectors how they can comply with filling out the Form R. Those technical guidances don't answer all the questions I am raising right now. What I am concerned about is at some point EPA is going to undertake a fairly significant enforcement effort, which is going to get at methodology and reporting and quality and kind of move away from the enforcement process. Right now it is just to do more with the reporting, I mean, did you report, were you supposed to report.

And at that point, we are going to find perhaps that you are going to have wildly varying interpretations of what constitutes sufficient effort to get high quality data in the system among each of the different regulators. One region will have one view of what was sufficient. Another region will have another view because you are not really providing in the guidance package any explicit instructions on what constitutes a reasonable effort to gather this information. And there are all kinds of nuances to this out in the field that can have significant cost implications for the person filling out the form.

I would be concerned if I filled out a form in one region and the fellow told me I was in full compliance with the spirit of the reporting requirement and in another region I get an NOV for the same practice. You ought to be concerned about that, too.

MS. DOA: That -- well, just as a comment on that, one of the things because of the issue of data quality, EPA has been training all the regional people in data quality

seminars, everybody together. I mean, there is specific guidance on that. So, we hope that that will certainly minimize any issues with differences.

MS. FERGUSON: And where that fits to me into a burden reduction, if we are spending a lot of effort to collect a piece of information, when a well-engineered default parameter might get you equally accurate information, that is one way --

MS. DOA: That is engineering judgment comes in.

MS. FERGUSON: -- keep your information incoming at the same level of accuracy but significantly reduce the level of effort to get that piece of data. That would be the ideal thing to prioritize as number one on your burden reduction because everything starts with how you collect the data from the get-go and, you know, changes in the form don't change the effort that goes into preparation of -- and record keeping that goes in prior to that form information. A lot of what I have heard from our folks who report is that is where they see the big burden. It is not in Form A or R, because you have to go through a lot of different collections, record savings to get to that point and once again that level of effort.

But if there are strategic things we can do --

PARTICIPANT: Can you give an example?

MS. FERGUSON: Oh, golly.

MS. FEIL: Wait, you guys. I want to start to report some of this and I think what we are starting to do is get into your interests around the subject, what your concerns are. So, before we just are all over the place and we don't have a way to document what is going on, I would like to just take a step back, start with Susie again.

Do you all remember -- before we start brainstorming options, and we have done this at a couple of other meetings, we have talked first about what we call interests. All it really is is your underlying concerns, the why behind -- why you want what you want to be the final outcome. Okay?

So, Susie, I think what you are giving us is your interest, what your concern is here. So, could you just maybe give it to me in a way that I can record it? What we will try to do is get as many up here as we can from around the table and then we will go back to each one and discuss it and make sure everybody understands it.

MS. FERGUSON: The level of effort that goes into data collection and record keeping that feeds TRI can vary tremendously. If we have a sense and in -- without any deviations in accuracy. I mean, the information may be accurate 50 percent of the time. You may spend three days to get that piece of information that is accurate 50 percent of the time.

You may spend 500 days to get that piece of information.

MS. FEIL: It sounds like your concern is understanding what level of effort should be going into it, what level of accuracy we are going towards. Is that correct?

MS. FERGUSON: I am more interested in what level of accuracy we want to define as a data standard in terms of getting to well-designed default values, where you might be able to substitute some engineering information or calculations for a lot of leg work for equivalent accuracy. People may be able to say that better I can.

MS. FEIL: I am going to get some other interests and come back. We will have some time to go back to each one and make sure everybody gets it and talk about examples, really understand it.

Are there other interests you want to get up here?

MS. HAZEN: I think I got my question answered, but it was more of a clarification question. So, if I could, what I hear, Susie, what you and Ed are both saying is up until now EPA has really -- or at least the current effort on burden reduction, EPA is really looking at sort of who fills out the forms, how many people need to file a form, whether there is something for small businesses.

We have been looking at this really from a -- who has to fill out a form in the first place kind of issue. We have done other things over time, but this is where we are at now.

What I hear you all saying is another way of looking at burden reduction is the statute says use readily available information and data to provide your estimates. It sounds as if what you are asking is can EPA take a look at that statutory language and provide some interpretation or better definition of that that allows you to feel comfortable making some choices about how you are going to generate your estimates that otherwise you think sort of might be on the edge of in compliance, out of compliance.

MS. FERGUSON: And what occurs to me is you could almost do this in a partnership with affected parties, for example, and an SIC sector could get together, look at how they capture information on it may be emissions. It may be water quality. It may be chemical stocks on hand.

They can look at the deviations of their process and present to you some default on an industrial specific basis and say their best engineering practices in the industry looking at a range of things are x, y, z. And that guidance can go a long way to burden reduction. So, instead of one guy keeping every piece of paper he sees all year long --

DR. BORDACS: Using readily available data, but using best engineering judgment until he gives you a --

MS. FERGUSON: Well, you have measured values. You could use them, but it gives you some standardized default.

MS. HAZEN: I hear what you are saying and I think there are certainly some areas there to explore. EPA is not and will not sort of come out with some standard definition of here are the five piece of information you need to look at to meet what the statutory language is. That is not going to happen in this statute or probably any of the other statutes that have the same language.

However, I think your suggestion that if an industry group, a trade association has looked at two or three different ways of estimating releases and, you know, they have come up with one that requires less burden, less time, but comes up with the same answers, I think it is not -- I mean, it is perfectly acceptable to come into EPA and talk about, you know, this is how we think we would like to do it. Maybe we could capture it in guidance and talk to EPA and see if the EPA thinks it is acceptable and sort of do this more on an industry by industry or case by case basis. We won't come out.

I mean, you talked earlier about some honesty among this group. We are not going to come out with some standard. Look at these five pieces of information and you have met the statutory criteria.

MS. FERGUSON: And I don't think you can do it for a business on a business type basis. I think you have to do industrial wide or perhaps nationwide, but if folks knew you were receptive to that, to establishing some engineered parameters, where they have having difficulties in their information collection, that is one of the mechanisms you could use for burden reduction. But you have to have a place where they can go with their suggestions or ideas to see if they pass your muster, too.

MS. HAZEN: Yes. I mean, I think it is something we can look at. I can't tell you at this point exactly how extensive it could be, how much of this we could do, but certainly one of the things I have heard said is we have done it this way and we have done it that way and we come out with the same answer, then I think that is something that, you know, we can look again. The agency is not going to come out with some blanket guidance.

The other thing I would say is if there is some opportunity here to achieve some significant burden reduction, sort of hand in hand, we would like to see documentation of that burden reduction so that in terms of the agency's information collection requests, those reductions can be recognized.

MR. FEES: Just to follow-up on Susie, I mean, I don't see why that there isn't a reason why industry groups can't do that. In fact, I do know of a precedence where they have done that because a steel -- metal processing facility in my state changed the reporting of some material from recycling to a beneficial re-use and I questioned them about that and, of course, in such a small state as Delaware, that throws off some trends pretty significantly and I had to put up some language and explanations for that.

So, I got back to the company and talked to them and they indicated, well, this wasn't just a decision made by themselves. They said it was by the steel -- came from the Steel Manufacturers Association. So, I started putting that language in in my TRI report and they went further to say that, well, this was actually guidance from EPA, discussions of Steel Manufacturers Association with EPA to come up with this.

So, in fact, this sort of thing, I think, has been done. Maybe all we can do is further encourage that that be done. I think that is about as far -- what I heard Susie saying, and I would probably agree with her, knowing how things are going or operate, that that would be where this could go.

But, anyway, the reason I had my card up was to put a suggestion to this concern because I have heard this from some other committee members, as well as other people outside this committee, the same idea of level of effort. So, I think it is a good issue and it is very appropriate for it to be the number one issue up here.

But my suggestion is EPA indicates having two significant figures on the report and I think maybe they need to

be clearer because when I started in this TRI stuff, I didn't understand the language, you know, up to two significant figures and that was language that was on Section 8 but not the other places. I think that needs to be spelled out and indicate that in all honesty that is the accuracy of the data we are looking at and that is what people should be providing.

There are few facilities in Delaware who actually abide by it -- I don't want to say abide by it, but use that as their template. Most people have a six digit number for recycling and have six significant digits. I use that. I put that in my report even though I think it is totally bogus.

So, let's be clear on that. In doing that, maybe that is going to cut down the need for being real scrutinizing and also, I believe -- and this is something that has been brought up before in this committee and it hasn't taken a real warm reception, but the concept of the 90 percent rule or whatever is that when you do use it in the significant digits, some small stuff is going to drop out. And you are not going to have to put the level of effort into that. That is for a discussion which I have gotten from EPA that they don't really want to hear about someone not accounting for Process Z when Process A, B and C are the ones that have the hundred thousand million pounds of something and Process Z has ten pounds.

That is a suggestion.

MS. FEIL: That is an option. Please hold onto that option. We do want options but before we get to options, what we might do is focus on people's underlying concerns. And you are going to get a mixture of all different things all over the place unless we stick to one thing for a little bit.

You have got two big concerns up there right now. What other concerns are there before we start recording? One is a proposed solution and we want that, but before people come up with that, let's see what the concerns are.

So, Krisztina.

DR. BORDACS: My concern is I am seeing EPA spending more time on burden reduction than it relates to the form and this whole TRI reporting, filling out the form is two minutes. Get to that preparation. Getting to the form. I am just exaggerating, but I could spend two weeks preparing to prepare the form and filling out the form is nothing compared to the effort comes into the data collection.

So, I would like to emphasize more of the burden reduction on the preparation process.

MR. FEES: That is sort of a spinoff of 1.

DR. BORDACS: But, you know, emphasizing the issue because it relates to what you were saying, everything. But what I am seeing, whether it is Form R or Form E, irrelevant, where you get to that point that you see done and start working on the form. That is the process that we need to stress.

MS. FEIL: Okay. So, your concern is the time spent on preparing.

DR. BORDACS: Yes.

MS. FEIL: Thank you.

MR. GARNER: Yes. I have got the same issue that I think has been raised by Krisztina and Susie and Ed and that is the amount of time that is required to collect the information that is then used to fill out the form. I agree that

filling out the form is a very small component of the time required and it gets down to -- I think Susie put it very well. We can spend a lot more hours collecting more information, but it doesn't change that number, especially when you look at that two significant figure issue. But I think the people, at least in my industry, are very nervous about someone coming in and saying, well, this is readily available, this information.

Maybe they don't keep that information from a business standpoint because you don't need to keep it, but it was available at a point in time and they are afraid somebody is going to come in and second guess them that, well, you should have kept that information. You should have used it.

And when we get into the solutions, I will have some real world examples I can give. But I am holding that.

MS. FEIL: We are all going to come back and go over these. Let's just try to get them up. Your concern is too much time spent collecting information?

MR. GARNER: Right, for the value you get.

MS. FEIL: Okay.

Paul.

MR. ORUM: Yes. Paul Orum.

As I understand, we are on the issue of preparation and accuracy and not burden reduction as a whole here?

MS. FEIL: Is that correct, EPA people?

MR. FEES: This is the look at burden reduction, unless Tim wanted to do otherwise, it is my idea this is not specific to Form A. In fact, the idea is to open it up to actually other issues. The Form A issues have been sort of spelled out in a lot of these documents that we have gotten. And we are going to have to spend some time on that, but we want some of these other ideas.

MR. ORUM: Okay. Twofold.

First, I think the EPA needs two things relating to environmental information management systems. The first is EPAs as a whole. I think there is a big opportunity for burden reduction in Section 1 of the form.

MS. FEIL: What is your concern, though? That is your solution. What are your concerns?

MR. ORUM: Well, my concern is that EPA does not have a facility I.D. number for each facility that it regulates and that is regulated by the states.

MS. FEIL: Why are you concerned about that?

MR. ORUM: That is needed in order to get all those elements off Section 1 of the form that have to be repeated again and again and again when they could simply be reported one time --

MS. FEIL: The concern is less repetition.

MR. ORUM: No. I am concerned with the lack of a facility I.D. number. Perhaps if I explain the specifics a little bit, it will make sense. But the lack of that number means that information in Section 1 specifically, the facility I.D. information, has to be reported many times when a number and corroborating information, such as name, address, phone, fax, contact, whatever, would do. And you wouldn't need to report that repeatedly on many Form R's or repeatedly under other laws, as well, from RCRA or NPDES or whatever.

The lack of progress that EPA has made on that issue concerns me. I think that is the real option for burden reduction. Second, when we talk about burden reduction and the time that it takes to repair the form, I have heard some interesting, very practical things raised here that ought to be explored. However, I think we need to remember -- and this is the interest that -- every company should have in environmental management system that tells it where large flows of chemicals go, where they come in, where they go out, whether they are waste, whether they are product.

My concern is that we not suggest to ourselves that that need arises from the need to fill out the Form R or to fill out reporting under any other environmental law. Companies need to have environmental management systems that tell them where chemicals go, why they use them and allow them to make decisions about the use of those chemicals. So, we need to remember that that does not arise out of the need to fill out a Form R.

MS. FEIL: Okay.

Tom.

MR. NATAN: In 1995, I spent about six months visiting facilities in New Jersey to look at their pollution prevention plans as part of an analysis of their planning process and I have ended up visiting over a hundred facilities. And one thing that occurred in all but five facilities, there are basically four sets of data that were available to us. There were the TRI Form R's. There was the New Jersey DEQ114, which is the state reporting. There was the pollution prevention plan summaries, which they did based on their 1993 data and then there were the actual plans themselves, which are confidential and kept at the facility.

All of those things relied on 1993 data at that time and in all but five of the 116 facilities, there were discrepancies between those four different data sources.

MS. FEIL: Is that your concern?

MR. NATAN: My concern is that when there is duplicate reporting at the state level and the federal level, that it is -- I mean, clearly, the same people ought to be filling out the same information no matter where it goes. A possible solution, which I will throw out quickly is that maybe the states can be of help where they know that these duplications occur.

MS. FEIL: Okay.

Just to make sure I am capturing this correctly, duplicate reporting is not always saying the same thing. Is that --

MR. NATAN: That is right, yes. And it should be the same number.

MS. FEIL: Ed.

MR. SKERNOLIS: My concern continues to be -- I think I am responding to Susan's response to our concern, which is that it isn't just a question of looking for cheaper ways to produce another -- produce the number. There is also an issue, I think, of -- at the implementation level, whether the regulated community is going to ask for more intensive ways to gather information without any acknowledgement that that has a cost and isn't going to improve the information

anymore.

So, my concern is that we not lose sight of the relationship between the cost and an incremental improvement in quality without any rationalization of why that incremental improvement in quality is necessary.

My second concern is I think EPA is putting an unnecessary straight jacket on itself. Statutory language for readily available data only applies to data collected pursuant to another law regulation. It does not apply to all information. The provision that applies to other information is reasonable estimates and that seems to me to -- so, my concern is that EPA not confine itself and interpret statutory language to apply to things that it doesn't apply to.

MS. FEIL: Thank you.

MR. STONE: My concern is one of the comments that Paul just made about large companies do have environmental managers. I represent an industry that most of the companies are very small. They don't have environmental people and yet they have to comply with all these regulations and especially where we have a lot of organic materials and my industry pours metal at 2,600 to 3,000 degrees. Most of them generate that pound and a half a day that makes them not do a Form A. They have to do a complete Form R. They don't have the manpower.

My real concern is the cost of compliance for small companies.

MS. FEIL: Thank you.

MS. FERGUSON: I want to tack onto something Tom said because it is not just within a state issue. This is the duplicative reporting. I think on a federal level between our federal environmental statutes, we have similar but not identical reporting requirements and that might be an area for reform. Similar but not identical.

MS. FEIL: So, your concern is with making them more identical?

MS. FERGUSON: If they were the same reporting requirement that could satisfy for multiple purposes, that would be easy, but if you have to take a set of data and recalculate it or massage it to fit multiple purposes either added to the burden of reporting on -- and they may be different frequencies in terms of the reports come in, slightly different families of chemicals that have to be reported on. That is the issue.

MS. FEIL: Mike.

MR. ECK: Mike Eck. As a concern, to introduce the notion of EPA measuring and adjusting the burden of using TRI data, as well as reporting TRI data. I think it is primarily applied to the reporting requirement. I have never seen any indication that x number of hours was necessary to pull out a TRI report from a particular database or to do a particular analysis. I can throw that up as a concern.

So, measure and reduce burden of data use. Measure and adjust -- measure and reduce, yes, okay, burden of data use.

MS. FEIL: Okay. Thank you.

Corey.

MR. BROMLEY: I guess Susie kind of hit on what I was saying. I would just expand upon that as I think EPA

needs to look at the consistency between programs, whether it be between federal and state and/or federal and federal programs and use their discretion to try to get more consistency within definitions or within purposes or whatever.

MS. FEIL: Is your concern because of the burden of reporting similar but different things --

MR. BROMLEY: Yes.

MS. FEIL: Okay.

Maria.

MS. DOA: For this discussion, if I could just take a some seconds to read within the statute and something from the -- I guess my concern is what is in the statute. How is that? And if I read that -- just so everybody is on the same plane. Use of available data in order to provide the information required under the section, the owner or operator of the facility may use readily available data, including monitoring data collected pursuant to other provisions of law or where such data are not readily available, reasonable estimates of the amounts involved.

Nothing in this section requires a monitoring or measurement of the quantities, concentration or frequency of any toxic chemical released into the environment beyond that monitoring and measurement required under other provisions of law or regulation. In order to assure consistency, the administrator shall require the data be expressed in common units.

And in the conference report for the statute, there is a sentence in there, a couple of sentences. The conference substitute does not require monitoring or measurement of toxic chemical releases beyond that required by the provisions of law. All monitoring or measurement data in the possession of the facility owner or operator must be reported or measurement data.

So, that is when we address questions on what sort of level is required. This is what we always go back to.

MS. FEIL: Other concerns that you guys want up there?

MR. SKERNOLIS: I guess I am not sure what point you were making, Maria, but your guidance package and your folks say why don't you make phone calls to collect information. That seems to be contrary to what you just said. In other words, there are no bounds on this because -- and that is exactly the point of all of this. It is more -- it is out there somewhere. Dig. Get it. And we don't really have a cost concern with how -- there are no boundaries placed around that. It is all at the discretion of the person overseeing your particular facility and how you are filling out the form. And the way you just explained what you think or what is dictating your boundaries is not what is, as I understand it, happening in the real world.

MS. DOA: But, I mean, the statute requires you to use basically available information and it requires you to report to two significant, I mean, digits. So, that is sort of the context of what is required here.

MR. SKERNOLIS: If I can just take a second, if I have got to continuous emission monitor on my smokestack measuring a concentration of something, I think this clearly says I should use that information to make an estimate of the air

release out of that smokestack. I don't think there is any question about that.

If I have customer forms that has nothing to do with RCRA, that I have got in a filing cabinet and I have got a hundred thousand of those in a filing cabinet, I don't think that is readily available. It is physically there but it is not readily available and I would like to use a reasonable estimate for that. But I don't know what the rule is.

I don't know if I can estimate it in one region and be okay and estimate in another region and get an NOV for the same activity. That is my concern.

MS. FEIL: Do you feel like your concern is documented well enough or do you want to --

Susie, do you want to make a comment?

MS. HAZEN: No. I want to raise two concerns for EPA on burden reduction. Two concerns. One, the double and sometimes triple counting of the burden associated with collection of data that is reported under different statutes. So, the same time is accounted to each and every data collection.

The second is burden associated with -- and I think gets a little bit to Ed's issue -- burden associated with collecting more detail than is necessary to estimate the releases without tagging that on as a burden associated with TRI. So, that is where the other side of this or other pieces of this that have been of concern to the agency for while.

MR. FEES: Is your first one suggesting that there is overestimating of burden?

MS. HAZEN: Yes. There are data elements on the TRI form, which are collected and need to be reported under other statutes; permit numbers, basically facility information, that type of thing, things that right now are in computer systems in a lot of the large companies that just five hours associated with filling out a company name, address and contact, which pops out of a machine automatically each year and which also goes to other -- is counted for five hours under TRI and five hours under the biennial report and five hours under something else.

So, it gets counted all these number of times.

MR. BROMLEY: I would like to comment on that one. I think that underscores the earlier point that I was talking about is the inconsistency between the reporting requirements is a valid -- and it is not triple counting. It is actually -- you have to go through all those because of the inconsistency. If it was consistent reporting, now you are talking about a facility I.D., that is easy. But we are talking about gathering data that we may have someplace, but you have to put it in a different context each time you report for something different for a different program.

So, it actually is doing something separate for that. If there were more consistency between it, then when EPA looks at TRI and burden reduction on the whole, they ought to look at it saying how can we approach TRI that makes it more consistent with other programs so that that triple counting actually becomes an issue rather than right now it is not an issue, as far as I am concerned. It is actual triple the work.

MS. HAZEN: Let me clarify my concern. When I look at the information that needs to be reported to the agency under this or any other statute, I look at the data collection, the effort that you have to go through within your facility to actually collect the information, whether it is from the data release form or whatever, but collecting the information.

For reporting, you then assemble the information. You may have permit numbers here and you may have release numbers there and you have to pull all that information together in order to fill out your forms and then finally you must fill out your forms.

What I am saying is that when we have talked to facilities before, they will say it takes -- I am making this up as just an example -- it takes five hours to over the course of the year verify our permit numbers and get them into our computer system. But then that five hours when looking at TRI estimates, that seem -- and I am really talking mostly about facilities that do have and companies that have computerized systems for filling these things out.

That same five hours for that one data element that is put into the computer system that can be brought up fairly quickly is then credited to TRI. It is credited to the biennial report. It is credited five hours each time.

The initial collection and verifying does take five hours, but pulling it up on the computer screen each time does not take five hours and yet that five hours is credited time and time and time again for the different statutes. I absolutely agree with you on the concern of EPA collects similar data but not identical data and the agency needs to look for a way to make that work better. But I also think there is a lot of double counting of the time required to collect data.

MS. FEIL: Okay. What I would like to do is take them and the next five or ten minutes and just go over these and make sure everybody understands them. We will have time to -- we will take a break after that. Then we will start going into options, what your proposed solutions are, based on these concerns that you all have.

I just want to make sure everybody understands the concerns.

The first concern we have up here is the level of effort that goes into data collection and record keeping, what level of accuracy we want to define as a data standard. I think Susie talked a little bit about that. Is everybody comfortable with what she meant by that.

That is all we are doing, not to debate if you agree with it or not, but do you get it? Okay.

The second one, this was a concern -- I am not sure how well it fits here, but can EPA interpret statutory language to help people feel comfortable about what they are required to do. I think you sort of got an answer to that before.

The next concern, the EPA includes time on the form and not enough on burden reduction as it relates to preparing information. A concern that time spent to collect the information -- the concern is lack of facility I.D. number, which causes repeated reporting. Does everybody understand --

The need for environmental management systems to talk about where chemicals go, why they have been used, et cetera. Everybody understand the concern?

Reporting is not always the same. The reporting things are similar but not exactly the same.

MR. NATAN: No. Reporting exactly the same thing to different -- you know, to the state and to the Federal Government, but it doesn't -- it is not the same number.

MS. FEIL: Oh, okay.

The relationship between the cost and incremental increase in quality.

EPA not confining itself by using statutory language that doesn't apply concerning the effects of cost of compliance for small companies concerned with that, concerned with similar but not identical requirements increasing the burden of reporting, consistency to programs.

Measuring and decreasing the burden of data use and a concern with keeping within the statutory requirements and then two final concerns, one with triple counting of burden associated with reporting data required under different statutes and concern with the burden associated with collecting more details than necessary being associated with -- as a TRI burden, being counted as a TRI burden.

Everybody understand what other people's concerns are?

No. 12, measuring and decreasing the burden of data use.

MR. ECK: That is mine.

MS. FEIL: Can you explain it?

MR. ECK: Yes. And I guess I will put it in a context of a lot of what we have been talking about traditionally and, perhaps, statutorily. Burden is measured for the reporting requirement. What I was trying to get at and am not awake enough yet to really vocalize is that I would not want to see changes in the reporting that would increase the burden of using the data in any significant fashion. So, if EPA is not measuring that or keeping track of it, there is no way to know what is what.

MS. HARIMANN: I am sorry. I don't have a name tag. Carolyn Hartmann from U.S. PIRG.

I wanted to see if we could put just sort of the flip side of Paul's thing on No. 5, which is the lack of a facility I.D. You have it written there is it causes repeated reporting and at least for me, the way I think about it is it prevents data consolidation. So, it is sort of the flip side of what you have there that kind of gets more to the heart of, I think, one of our concerns.

MS. FEIL: Okay. Does everybody understand that concern?

Okay.
Do you all want to take a 15 minute break and we will come back at 10:30. We will start with options and solutions.

[Brief recess.]

MS. FEIL: Having gone over the interests, being familiar with what everybody's concerns are, we will try to bring some options, proposed solutions to this issue. What changes would you make? What do you suggest that we do about

it.

Again, don't spend too much time. We will go back over them all. So, please don't spend too much time explaining it. Give us your solutions and we will go back over it. That way we get as many things up there as we can.

Okay. Anybody? David.

MR. FEES: Well, I already jumped the gun and made a suggestion before. That is to better explain the use of two significant digits.

MS. FEIL: Okay. Thank you.

Susie.

MS. FERGUSON: I would develop a data management plan for TRI.

Committee member: What does that mean? Could you explain that one?

MS. FEIL: We are going to come back and -- let's hold our discussions for then.

MR. GARNER: Tailor the guidance to industry groups and I can expand on that when we get to the options and solutions to address those concerns.

MS. FEIL: Okay. Others? Tom.

MR. NATAN: Guidance to explain areas of identical reporting among requirements.

MS. CAIN: I don't know if this could apply to the federal level, but in our state, in Massachusetts, we are starting to develop one stop reporting, which is basically integrating all the various media programs into one type of reporting, so it doesn't have to be duplicated.

MR. SKERNOLIS: Extend the mixture definition to waste streams?

MS. FEIL: Susie.

MS. FERGUSON: Before you write, let me kind of explain it and then I will sound bite it for you.

Right now, EPA has a lot of data consolidation pilot projects going on that are very good in terms of soft media, in terms of sectors or some in the CFI and other projects. I would like to leverage the lessons learned from those by taking advantage of the statutory reporting provisions, where EPA can report back to Congress opportunities for reporting reductions and have the administration, perhaps, highlight for Congress opportunities to reform on a statutory level to make all of our lives easier through consolidated data reporting.

If they see those again, take the practical pilots, evaluate where they can be most useful in terms of if we have like definitions or more identical provision and then use the reporting provision in these statutes to make Congress aware of those.

MS. FEIL: Okay. Take advantage of statutory recording privileges to report the opportunities for reform to decrease the burden based on what they found in --

MS. FERGUSON: Yes.

MR. ECK: The suggestion would be streamline the revision or error correction procedure, if that is possible. Essentially, it is an entire separate submission.

MS. DOA: The notes.

MR. ECK: The notes?

MS. DOA: Notice of technical error that you re-

ceive. Is that what you are talking about?

MR. ECK: Well, I was more -- yes, that is a good thing. The notice of technical error is a wonderful thing, but I was more talking to the need to resubmit the entire Form R with a brand new signature to correct an error. That may be built into the process. I don't know. But it becomes an entire separate submission.

MS. DOA: Can you put up there just after 8, "revisions." Just put "revisions." Thank you.

MS. FERGUSON: Complete the facility I.D. project that is underway.

MS. FEIL: Anybody else under options?

MR. CHAMBERLAIN: Promote a 90 percent reporting rule for data gathering.

MS. MAYER: Assure consistent implementation and enforcement among regions.

MR. SPRINKER: One of the things that, looking at an analogous situation from OSHA with hazard communication is one of the problems that has always existed there, which was brought up in the seventies, early or late seventies, again, in the eighties where the rule came in in which it first was opposed by lots of -- by much of industry -- was a standardized material safety data sheet form.

MS. FEIL: Is that your option?

MR. SPRINKER: No, that is -- this is a background to my option.

MS. FEIL: You are going to have time to go over the background.

MR. SPRINKER: Okay. Okay. I am sorry. I am sorry.

In that case then is -- so to look at what we should look at is what is the quality and format of information, which all of the various industry groups actually receive from either their suppliers or the people that are shipping them materials? Is there a way to make that more usable so you can extract the data you need much more easily from that?

MS. FEIL: Okay.

MS. FERGUSON: Move beyond electronic formats for the forms to spreadsheet style, electronic formats that scroll up.

MS. FEIL: I am sorry. Move beyond --

MS. FERGUSON: Move beyond electronic formats for forms to spreadsheet style electronic formats that scroll up the information so you can eliminate some calculation errors.

MR. BROMLEY: Evaluate alternate thresholds both for Form A and Form R for burden reduction.

MR. ECK: Improve the usability of the Form R instructions.

MR. FEES: Provide interpretive guidance on statutory language of level of effort expected for data collection.

MR. ORUM: Use the completed facility I.D. system specifically to simplify Section 1 of the Form R.

MS. FEIL: Any other options?

MS. FERGUSON: I would go ahead and develop engineering standards, defaults, for areas where information collection efforts are excessive relative to accuracy of the information.

And more specifically, it seems to me the places where that is most likely to target are going to be those that deal with the waste treatment or waste disposal pieces of information as opposed to those who deal with chemical receipt and specific chemical emissions.

MR. GARNER: For the newly added industries, make any changes effective for 1998 for the report filed in 1999. It is really for all industries, but specifically for the new industries.

MS. FEIL: Make changes before they have to file the 1999 forms?

MR. GARNER: Exactly. That way they won't have to learn two different ways to do it.

MR. STEIDEL: Consistency in the units between all programs, reporting units in all program areas.

MR. BROMLEY: Expand -- I am not sure if that is the right word, but reevaluate and de-limit is rather the right word -- use and activity, exemptions.

MR. SKERNOLIS: Maria, can I ask a procedural question?

You all are in the process of making a decision about lowering reporting thresholds for highly toxic constituents. I am operating under the assumption that what we are talking about right now for the existing thresholds would also apply for any lowering of the reporting thresholds. Is that -

MS. DOA: Well, it is early -- I mean, we are looking at it. But I am not sure that is totally accurate.

MR. SKERNOLIS: Well, can I then offer as a FACA member the notion that those of us who are concerned with lowering the reporting thresholds would like to see these recommendations brought into that debate, as well as dealing just with the existing thresholds?

MS. FEIL: Before we begin to clarify, is there anybody who wants to put any other options up here?

Okay. I guess what I am going to do is just start reading them off one at a time. We will take a minute for each one and see if people understand.

The first one is better explain the use of two significant digits. Everybody -- is that clear for everyone? Okay.

No. 2 is develop a data management plan for TRI.
[Multiple discussions.]

People up here have a question about what that means. Who put that -- whose option?

MS. FERGUSON: I did. For any use of information, the data folks have you develop a plan in terms of accuracy, maintenance of information and other parameters on limits of its use. It is everything from how long you keep it to how accurate does it have to be to best utility. That is just part of designing information systems. So, it seems to me a lot of the questions in terms of -- particularly when you have fairly broad statutory authorities, this would help -- be a helpful tool to establish systematic parameters for use and collection and enforcement of the information.

MR. FEES: Is developing like meta-data a subset of a management plan? Do you understand what I mean by "meta-

data"?

MS. FERGUSON: No.

MR. FEES: The information behind -- not the data itself, but it is the information that explains the data, that it is annual data and that it has certain accuracy and there are certain sources and that sort of thing.

MS. FERGUSON: That is exactly what I am talking about.

MR. FEES: That is something that we are doing more and more in terms of having as like documentation behind the data sources that we are now putting out to the public in GIS systems and on the Internet and that sort of thing. You sort of have to explain that. So, maybe it is time that EPA kind of considers that same --

MS. FERGUSON: And you change your data plan when you change your user, add to the system. So, it gives you a formal mechanism to explain the utility of the information you are managing, among other things.

MR. BROMLEY: Do I understand this, Susie? It is something that EPA needs to do --

MS. FERGUSON: They have it in other programs.

MR. BROMLEY: -- with their -- right, to put their purposes of what they are doing so that it says whether when you expand numbers or do something else to what your data management or data gathering is, it can be applied to that plan and see whether it is consistent or not?

MR. SKERNOLIS: Let me take a shot.

I don't know if EPA still does this, but many years ago when I used to work there, we had what were called data quality objective plans, DQOs. Susan, I don't even know if those are still around or not. EPA had something called and I guess continues to have something called data quality objectives for various program information management activities.

There are a certain criteria applied to data, accuracy, representativeness, a number of the things Susie laid out, where the program manager is supposed to specify exactly what they are trying to accomplish with that body of data to meet those criteria and then the information management systems reflect that. In other words, then you build your information management system or modify it to reflect those data quality objectives.

If you take an issue like accuracy or representativeness, which are two different issues, of course, and you are saying one of the things we want to be able to do each year is tell the public about trends and the direction of the releases of certain kinds of constituents and you might want to be able to say that with a certain degree of accuracy or representativeness, then your system is designed to produce that.

Carolyn and I have talked about this notion of somebody getting up and saying there is a 20 percent reduction in the release of constituent A from 1995 to 1996, but that might be 50 percent off. That is almost a meaningless piece of information if it is done in that context.

If on the other hand you can say we are 95 percent confident that that number of right, that is a lot more meaningful, but there are no notions of data quality as I see at-

tached to this database that allow people to say things like that.

MR. BROMLEY: Let me put something forward with this that also fits with what you are saying is to me it also says that changes to the program, such as in the PDR of grouping things, of totaling things, et cetera, can be evaluated in light of the data management plan, whether it really is representing something that is either accurate or representative or means any data to you whatsoever.

MS. FERGUSON: Maybe or maybe not. You may change your data objectives if you have a new use for the information or your objective may be sufficient for that use of trend analysis. But it gives you an opportunity, a set of protocols to establish for the utility of your data to evaluate when you need to change those protocols or the limits of the information.

The group has identified how you use the information is an important issue because there are limits to that information, the accuracy of it. This gives you a system to put up bookends around this information, accuracy or usefulness or limitations, as well as documentation.

MS. FEIL: Are you guys comfortable? Do you understand a little better now?

MS. DOA: Could I just ask, I mean, you basically were saying that how good are these estimates.

MR. BROMLEY: And that helps guide --

MS. DOA: -- given the constraints of what is in the statute, do we --

MR. BROMLEY: And that helps guide how good do they need to be at the facility level as well. These are -- in a broad brush case, these are not enforcement compliance numbers, say, for the water program or the air program. So, the level of effort involved into identifying the exact emission or discharge of something can be different if our idea is largely to let the public know both locally and nationally what is going on with toxic use at that facility or nationally with that toxin.

So, you have very, very different data quality objectives if you enforcing a discharge permit than if you are simply trying to identify approximately how much of a constituent is being used to release at an individual facility.

MS. DOA: I am sorry. I am confused. First, I thought you meant something like we know with this data quality site survey that we can characterize how accurate we think the information is, given the constraints. So, I think we have some of that information, but it sounds like you are going beyond that and that you are saying, well, you only need to be -- we only think that people should be required to be this accurate to begin with and then our data quality site survey would say on that level of accuracy, this is how close we think they come to that level of accuracy.

MS. FERGUSON: May I try?

I think I would use your data quality site surveys to help establish the benchmarks for accuracy so you would have some templates in terms of knowing -- you have got a fairly broad standard in terms of readily available information, but if you establish some data objective protocols in

your system based upon surveys. Then it makes it easier for enforcement when they go and inspect to know that someone has used readily available information or not and it also helps establish benchmarks for EPA in terms of, well, how precise or how accurate, how much level of effort should someone go to in their data collection.

If your survey says the available information is a reasonable engineering estimate that gets 95 percent of this whatever and if that becomes your standard, then a company can make a choice to do the level of effort that results in accuracy of that particular standard. You don't have so many individual efforts trying to project what EPA might consider after the fact in a setting and it will help in your burden reduction in that those benchmarks become known and people shoot for them.

MS. DOA: Okay. I understand. Thank you.

MS. FEIL: The next one we have is No. 3, tailor guidance for industry groups. Everybody clear on what that means?

MR. GARNER: Maybe I could just make a real brief clarifying comment from the chemical distribution perspective. One thing that distributors typically do is they buy in large quantity, repack and sell in a smaller quantity. Any time there is a repackaging activity, there is an air emission or if we put it in a storage tank, there is an error mission.

We also make blends of one or more TRI chemicals. Just one example, not to take up too much time, in some cases we will make a blend in a tank and then transfer from that tank into the final package that it is sold in. So, there is an air emission when we put it in the tank and then there is another air emission when we put it in the package.

On other occasions, we will simply make that blend in the container that it is sold in, be that a tank truck or a portable tank, which is 300 gallons or a 55 gallon drum. So, we don't have that extra air emission when we make it directly in the container that it is sold.

Now, on a facility basis, the facilities won't keep track of whether or not that particular product was made in a blend tank or made in that final container, although that information is available at the time the blend is made. But as a practical matter, given the throughput of the product through the plant, given the tank emissions, whether or not it is made in that final container or made it in a blend tank really won't affect the data, you know, that answer, their air releases.

So, that is what I am thinking we need industry specific guidance that will tell that sort of facility that, well, you can use your throughput data and kind of a safety factor to calculate your air emissions, rather than have to keep track of, well, did it go into a drum first and then from the drum into this blend tank and then from that blend tank into something else.

MS. FEIL: Is everybody clear on that one?

The next one, No. 4, guidance to explain areas of identical reporting requirements.

MR. ORUM: What does that mean?

MS. FEIL: Okay. Whose was that?

MR. NATAN: That was mine. As I said before, when I was looking over New Jersey pollution prevention plans, there were four different sources of what was supposed to be in many cases the very same data element. There was the TRI data. There was the New Jersey DEQ114 data. There was the pollution prevention plan summary and then there was the pollution prevention plan.

In many cases, where it was supposed to be identical, it was not the same number. There were as many errors on the TRI form as there were on the others. So, it was evenly distributed. It occurs to me that there are people -- there ought to be some store of knowledge of where those data elements, identical data elements exist, so that you don't have different people at the same facility making estimates of the same data.

MR. SKERNOLIS: Can I ask you a question?
How different were they?

MR. NATAN: In some cases as much as 50 percent.

MS. FEIL: Is that clear for everybody?

No. 5. Everybody clear about that?

No. 6, extend to waste treatment.

PARTICIPANT: We understand that one.
[Multiple discussions.]

MS. FEIL: [Comment off microphone.]
Everybody clear?

PARTICIPANT: Could you just read that again?

MS. FEIL: Take advantage of statutory reporting provisions to report opportunities for statutory reform.

MS. HAZEN: Is this the one, report to Congress on burden reduction opportunities identified by the agency?

PARTICIPANT: Yes.

MS. FEIL: No. 8, streamline provision for error correction procedure.

Complete facility I.D. project that is underway.

MS. FERGUSON: Somebody said add "successfully."

MS. FEIL: No. 10, 90 percent reporting rule for data gathering.

No. 11, ensure consistent implementation and enforcement among regions.

No. 12, look at quality and format of information that industry receives from suppliers and shippers and make it easier to use it.

No. 13, electronic format to spreadsheet style to eliminate calculation error.

MR. FEES: I just might add to that. Among other things, in the automated format.

MS. FEIL: No. 14, evaluate alternate thresholds for Form A and R for burden reduction.

15. Usability of Form R instructions.

16. Provide interpretive guidance on statutory language on the level of effort expected for data collection.

MR. CHAMBERLAIN: That is really what I meant by No. 10. So, 10 and 16 are pretty much the same.

MS. FEIL: That was going to be our next step is combining. Is everybody -- but since you raised it, is everybody comfortable with combining 10 and 16? Ten is 90 percent reporting rule for data gathering. Sixteen says provide in-

interpretive guidance on statutory language on the level of effort expected for data collection.

MR. CHAMBERLAIN: I would just use 16. I just threw out 90 percent. It might be 80, 20.

MS. FEIL: Get rid of No. 10, is that what you are suggesting?

MR. FEES: Having suggested 16, I see them not necessarily different but maybe -- they seem different. Ten is maybe something of a subset of 16, although I wouldn't want to eliminate it as a specific -- something more specific. My suggestion on 16 kind of got to Ed's discussion earlier. Ed and Susan Hazen, you know, sort of discussed back and forth. I just wanted to put that up there. I for one would leave them.

MS. FEIL: Okay.

17. Use completed facility I.D. systems to specify Section 1 or Form R.

18. Develop engineering standards for areas where information collection -- I think this dealt with waste disposal facilities.

MR. ORUM: Clarifying question. What does "excessive" mean and what happens if you define "excessive"? How is that used?

MS. FEIL: I believe Susie had put this up there. Is that -- does anybody remember?

MR. ORUM: Is this the same as the 90 percent rule for --

PARTICIPANT: Why don't we table that because the person who put it up there isn't here. So, we will come back to it. That was No. 18.

MR. FEES: It sounded like she meant instead of an individual facility or maybe an industry group developing certain standards or factors or something like that that EPA would take on that role. That is sort of the way I interpret it.

MR. SKERNOLIS: I would like to take a shot at that, having talked with Susie about this.

I mean, I would like to combine Bob's, Sam's and Susie's idea into really one broader notion of industry specific guidance packages that currently exist, being expanded to look at unique data collection problems associated with that industry sector and incorporating into those technical guidance packages, standardized methods so that all the industry people can use them and all the regulators know what they are, where you can achieve cost reduction with no or very little loss in accuracy or representativeness or whatever.

MS. FEIL: Would it be enough for me to get that as another option or you think it is --

MR. SKERNOLIS: I am just combining three into one in response to Paul's question as to what "excessive" means. I mean, I don't think the issue is so much as excessive as making some evaluation of cost efficiency in the process where it still makes sense that you can do it more efficiently without a loss of quality. And you might have default factors, such as Sam mentioned, where if you can't achieve some of that, maybe if you kind of -- how good is good enough? In other words, if you can get 90 percent of what you want for a

buck, should you spend \$10 to get the extra 10 percent, kind of a thing.

MR. ORUM: I like that. That is a lot more proactive. When I hear the word "excessive," I think -- you know, some people have defined the whole program as excessive and --

MR. SKERNOLIS: -- if it is my dollar, it is excessive. If it is your dollar, it is not.

MS. FEIL: Okay. We need to run by that Susie or are you comfortable, Paul, that you have gotten the answer to your question? That was the one she put up there.

MR. ORUM: Well, I guess, you know, the question, although we are jumping ahead on the agenda, do we want to take those other three things and replace them with this one consolidated thing. And that is up to the people who put them on.

MS. FEIL: Okay. Let's come back to that in a minute.

Bringing industry to make changes before they file 1999 forms.

No. 20. Consistency in units in all program areas.

21. De-limit the use and activity of the exemptions.

MR. BROMLEY: Let me rewrite that. Say reestablish and maintain instead of --

PARTICIPANT: What does it mean, though?

MR. BROMLEY: What I mean is reestablish is -- there has been recently in the addendum Q&As, other things, the limiting of the ability of certain use activities that is not in the regulatory language or otherwise. And EPA is interpreting these things to stop or to limit their use and I think for further reduction, going back to your No. 22, the cost efficiency issue arises here in that these use for activity exemptions do not take out a major portion of numbers that are going to be resulting in a Form R, that they are a real burden reducing step because they count small little items, such as painting the structural number or doing other small items that may happen all over the facility that you have to count individual activities going on throughout the year.

So, it is a real burden step -- a burden reducing step. So, that is what I mean to reestablish and to maintain is to address the issue into motor vehicle exemption. There are issues right now on the board of doing away with or limiting to that exemption.

MS. FEIL: Okay. Everybody comfortable?

No. 22, was that non-one we may or may not use, looking at efficiency and cost. Where do you stop? And how far do you go? And maybe setting up some default factors. I think that was an attempt to combine three others that we are going to go back over now.

Okay. Is there anything -- we have already got one on the table -- anything that you think we should combine? If we do have that one on the table, which ones are they? 10, is that right?

What else?

MR. GARNER: Combine 17 and 9.

MS. FEIL: 17 and 9.

MR. FEES: Five sort of goes along with that, too.

It is not quite -- 5 is such a bigger issue than 9 or 17, but it is still in that same vein, given the one-stop reporting.

MS. FEIL: Be careful that when you combine them, if you agree with one but you don't agree with parts of another, don't combine them. Make sure that if they really are the same thing, that is great. If they are not, be careful because you don't want to say, well, I don't know if I should vote for that because I like half of it and I don't like the other half.

[Multiple discussions.]

Other combinations?

Ed.

MR. SKERNOLIS: I want you to give me a little liberty on this since Maria summarily dismissed my recommendation before. I want to modify it and then combine it, which is that --

MS. FEIL: No. 6 is this?

MR. SKERNOLIS: Yes. It is not going to be acted on. I would like to modify it and then ask that it be reconsidered, which is that within the context of industry specific guidelines or whatever, that EPA can, as a totally separate issue evaluate the notion of de minimis concentrations in waste streams as being exempt from the organ.

In the context of industry specific guidelines and under our triple play that we put together under 22 -- I can't see the number.

MS. FEIL: So, we put that over there with --

MR. SKERNOLIS: Yes. We can do it any way you want. I just want to get the notion out on the table that -- and I am not looking at a 1 percent number, just some other value where EPA could make an intelligent decision that we are not losing a whole lot of data if we have a .1 percent --

MS. DOA: But you are basically saying develop a de minimis exemption for --

MR. SKERNOLIS: Right.

MS. DOA: -- analogous --

MR. SKERNOLIS: Analogous to the mixture exemption for product. Right.

MR. BROMLEY: This is Corey Bromley.

I would even expand that, de minimis as a -- or re-evaluate de minimis exemption across the board or beyond, to manufacturing and other uses.

MS. HAZEN: One comment about these kinds of options. I think any option that anybody wants to put on the table is perfectly fine. There are going to be some options, which we cannot have a lengthy discussion on because of outstanding litigation.

This is probably one of them. So, any options are fine to put them on the table, but there are going to be some which we cannot have lengthy conversations on debate on for right now.

PARTICIPANT: You can't have a conversation but you can have comments.

MS. HAZEN: Well, that is a possibility, too. But just in terms of what we can do when we don't -- we are not trying to limit any of the options that folks put on the table, but recognize there are some that we are not going to

comment on or address.

MS. FEIL: We are trying to combine these and I wonder which one this is encompassing.

[Multiple discussions.]

You talked about that this combined a number of those options. Which ones are we talking about? Or does anybody else want to take a stab at that? So, if we are covering a lot of things here, let's get rid of those so you don't have unnecessary stuff in there.

MR. SKERNOLIS: I can't see all the -- my combination was Bob, Sam and Susie.

MR. GARNER: I think I have got the numbers, I think. I think I have got 3, 10, 16, 18 and 22.

MS. FEIL: Let's do one at a time.

Three was tailor guidance to industry groups. No. 10 was promote 90 percent reporting rule for data gathering.

[Multiple discussions.]

MR. CHAMBERLAIN: Three, 10 and 16 go into -- and 18 go into 22.

MS. FEIL: Hang onto that because I think David -- David, you are not comfortable --

MR. FEES: I am not sure I see that.

MS. FEIL: Do you want to explain why or do you just not want them to be combined?

MR. FEES: No, I don't. At least 3 and 10, I don't see. And then, as before, I didn't see 10 -- necessarily 10 and 16. I saw some connections. I didn't see enough to combine them.

MS. FEIL: Sam, you were suggesting 16 and what else?

MR. CHAMBERLAIN: 18.

MS. FEIL: 16 and 18. 16, provide interpretative guidance on statutory language.

MR. CHAMBERLAIN: I don't see where David -- what his concern is. I don't understand what his basis for not thinking that you can combine them.

MS. FEIL: David, do you want to explain?

MR. FEES: I think 16 is specific to interpretive guidance and statutory language. Are you saying that 10 is just another way of interpreting the statutory language?

MS. FERGUSON: Ten is more specific, though. I would keep 10 as a separate item. I think you could do 22 or 18 without picking a 90 percent level, but 90 percent then narrows it significantly. They almost have to be up there separately.

MR. SKERNOLIS: Sam, would you restate that just as a -- including default assumptions?

MS. FERGUSON: Is 90 percent covered in the other ones or --

[Multiple discussions.]

MR. CHAMBERLAIN: If you can get 80 percent of your data very easily and it is accurate, maybe it is an 80/20 rule. I don't know. And the other 20 percent costs you ten times as much money and twice the resources to get the data and it is not worth it, especially if it is not significant in terms of the total. So, it may be 80/20, 90/10. I don't know what the number is.

MS. FEIL: So, should I put under 16 just example 80/20 or 90/10, to get rid of 90/10. Is everybody okay with that?

MR. CHAMBERLAIN: Yes.

MS. FEIL: Okay. Anything else that goes with 16 now? 18? Is that the next suggestion?

MR. CHAMBERLAIN: I thought we were trying to do that -- Susie had 18.

MS. FEIL: Develop engineering standards for areas where information collected are extensive relative to accuracy of information.

MS. FERGUSON: I think you could eliminate 18 with 16 as it is now --

MS. FEIL: Okay. Everybody okay with that?

MR. CHAMBERLAIN: But you have to remember one thing. The key word there is "level of effort for data collection" and you might want to add the term "and accuracy" because collecting data is one thing, but the accuracy of that data is what you are referencing. So, those are two key distinct elements of data collection.

MS. FEIL: Okay. That level of effort and accuracy up here.

MR. CHAMBERLAIN: Yes.

MS. FEIL: Anything else that -- No. 22, was that really just trying to say all of this? So, we should get rid of No. 22.

MR. CHAMBERLAIN: Except for the bottom piece of it.

MS. FEIL: In the context --

MS. DOA: The de minimis.

MS. FEIL: -- without the de minimis exemption for waste and other uses.

MR. CHAMBERLAIN: I thought Ed was restating No. 6 in that context.

[Multiple discussions.]

MR. FEES: And the other thing, I think there is still some talk about 3 getting rolled into there.

MS. FEIL: Okay. Three was tailor guidance to industry groups. Does that fit with something else?

MR. FEES: I think initially we wanted to put it with that 10, 16, 18 one. I just didn't see it, but --

MS. FERGUSON: Well, but it could be broader. Even on how to complete the form versus default values. Tailoring guidance can be useful for burden reduction across the board, I think. That could be as broad as the training and education effort. It doesn't have to be specific to default value or --

MR. FEES: Or data collection --

MS. FERGUSON: -- best management practice. That could be a training thing. So, depending on how you view that, it could be separate or similar.

MR. CHAMBERLAIN: I guess, could we expand that thought to address a concern in No. 10, cost of compliance for small companies? I saw No. 3 up here as -- you know, EPA may want to consider having technical guidance to small companies that can't afford the cost of data collection and where EPA could give them technical guidance to minimize the cost or develop some standards to assist them in getting the data.

MS. FEIL: Was that an example of No. 3?

MR. CHAMBERLAIN: That is what I was thinking about.

MS. FEIL: Did you say --

[Multiple discussions.]

That is an example? That is capturing --

MR. CHAMBERLAIN: Maybe training, technical guidance, et cetera, et cetera. I don't know.

MS. FERGUSON: I didn't want to combine that. I wanted to go back to 20 and give some examples that are more specific because we left off the word "reporting" in front of "unit." I would modify that consistency in reporting units. I would say chemical nomenclature and reporting periods.

MS. FEIL: Consistency in reporting units --

MS. FERGUSON: Chemical nomenclature and reporting periods.

MS. FEIL: Okay. Any other combinations or anything like that?

Combinations is really what we are looking for.

MR. SPRINKER: I am not sure if the one I suggested, looking at the background information, might perhaps fit into that as a subset of that in that, you know, I am not sure, for example, if Ed gets some information, that they are saying we have got so many parts per billion of this, so many parts per million of that, milligram per liter of this and microgram -- several micrograms per liter of that, all of which -- you know, different -- you have got four conversions there to be able to report in pounds. You have got a lot of burden in trying to recalculate all those.

It is probably easier for a larger employer than let's say for a smaller employer. Is there a way to standardize the information people are actually getting out from the different -- in the ways that they are producing, which is being shipped to them, that would reduce that burden enormously. I don't know. Was that --

MR. SKERNOLIS: Yes.

MS. FEIL: Are you suggesting we combine something?

MR. SPRINKER: Well, I am not sure if that comes out as a subset of what Susie has suggested or if this is getting -- this isn't getting back --

MS. FEIL: Which number are you talking about up here?

MR. SPRINKER: Shoot. I can't read those numbers.

MS. FEIL: Tell me which one --

MR. SPRINKER: 12, I think. Look at quality --

MS. FEIL: Look at quality and format of information that industry receives from suppliers and shippers. Is that --

MR. SPRINKER: Yes. 12, right.

MS. FEIL: You are talking about combining that with which other one.

MS. FERGUSON: 20, I think she --

MR. SPRINKER: With 20, perhaps. Actually, maybe -- I take that back. It may not quite be a fit because I don't think under 12 that actually fits under the EPA program environments, does it?

MR. SKERNOLIS: Well, let me go back a step. One, you are talking about exactly what I am talking about, which is only there are other industry sectors, who I think had

similar problems, the mining industry being another obvious one, which is developing where you have data collection barriers, like you are talking about right now, whether they be costs that are simply technical barriers. Most of the information we get on waste streams, for example, is in TCLP concentrations for which there is no formula of conversion to put the totals.

So, when you come up against problems like that, developing standardized methodologies, not just for the regulated community, but in my view just as important for the regulators so they know what the bounds of behavior are for the people filling out the forms and we are not inconsistent enforcement about methodology and how to prepare the --

MS. FERGUSON: Now, 20 had a broader context. I am really focused on the environmental reporting requirements EPA is administering under federal laws. So, if we could get like units, like names, like common reporting periods, then you can do the consolidated reporting systems that we are asking for in 5 or 4 or whatever number that is. There are some first step things you have to do to be able to cross it up together.

If we can't get the whole thing, maybe we can get part way there by getting to the pieces.

MS. FEIL: Bob, did you have a comment to make?

MR. STEIDEL: Well, I had a thread because I didn't want to lose this concept of de minimis because I know it is not very popular. But if we go back to developing data quality objectives and we set those objectives, then I know my confidence interval. Then I know my aggregate error and if I know my aggregate error, I automatically know what I can accept as de minimis. So, that is a great concept to keep, as long as we are going to work on data quality objectives.

MS. FEIL: Okay, where -- I am confused as to what you are --

MR. STEIDEL: I don't know if it is a consolidation. It is a thread between two concepts here. I don't know if we are going to try to do that, but I am just saying that if we accept the de minimis concept and we accept the data quality objectives, we have a method to make those two work together. They are not consolidatable, but they are linked.

MS. FEIL: Okay. So, it is just a comment. It is not really something to do.

MR. SKERNOLIS: I think he might be suggesting that my old 6 can be combined with whatever numbers data quality objectives --

MS. FEIL: With which one?

There is nothing new up here. Everything is now on this wall.

MR. SKERNOLIS: But I can't see numbers. So, I --

MS. FEIL: I know. That is why I was trying to write them so we could all see them again and divide them so you could see what you have done.

Want to just give me a minute. I will rewrite them so you can see. Would that be helpful?

[Multiple discussions.]

Bob, your last comment, are there two of them up here that -- is there some change I need to be making to capture what you are saying or is it covered? If these two are

the ones on the screen --

MR. STEIDEL: Well, I think, maybe it can just be added to No. 6 as in context of industrial specific -- I can't read that.

MS. FEIL: Guidelines. Develop de minimis exemption for waste. What would I add?

MR. STEIDEL: You could add that data quality objectives, DQOs, will provide aggregate error and define "de minimis."

MS. FERGUSON: And a sense of data accuracy. I think other people are using "de minimis" in perhaps another way.

MR. STEIDEL: But the data accuracy then gives you a -- my baseline is here. Anything below my baseline is not worth reporting.

MS. FEIL: Okay. Is there anything -- if there is nothing else to combine, one thing we could do is -- I am going to rewrite them quickly just so the ones that are combined you can see and they are not all over the place. They are not being crossed off.

What we can then do -- it would be helpful just to get a feel for how strong do people feel about which ones, which ones you think are realistic. One approach would be to use multi-voting. Another approach is also -- I mean, if you all feel like these are all things you can all support and there is a lot of agreement, we don't have to get rid of anything. But I think I need a little bit of feedback from somebody about where to go with that.

MS. HAZEN: What do you mean by "realistic"?

MS. FEIL: I mean that sometimes when you brainstorm, we encourage people to put up anything that comes into their head. Every once in a while there are two or three or four things up there that when we multi-vote, they get zero votes, that people didn't really think that was going to happen. They don't think it is an idea that EPA that will adopt. So, why waste our time using that as our recommendation when we could be supporting strongly something else. That is the kind of thing that usually gets weeded out when you multi-vote.

It is sometimes helpful to combine things that you can vote for together, which is what we just did. To me, that is really the benefit of multi-voting is you get rid of things that nobody really felt so strongly about in the first place. They just sort of came to their head and it got up there. Okay? So, that is what you can do.

If there really aren't any of those and you think that everybody feels very comfortable with the things that are up there, there are a couple of ways we can go. One idea is similar to what we have done some of the other times, which is break up into groups, have you look at these options in your small groups and come up with some recommendations as four groups.

If somebody thinks that there is a lot of agreement today for some reason that there hasn't been other days and we can all come to some agreement on what is here already, that is another way to go. But I guess I don't think that is probably all that realistic with this many people in the room.

MR. FEES: Where do we get the feedback from EPA on the brainstorming ideas, which is what is in the beginning tomorrow --

MS. PRICE: I think we were planning that we would get through these things, get these ideas up here --

MR. FEES: So, we are already ahead of schedule is what you are saying.

MS. PRICE: And then we would then maybe take a look at them and try and provide you all with some feedback about which ones, like we can't do legally or whatever and then maybe move forward with the multi-voting. So, maybe now is not the time to do that. Maybe we just figure out if there is anymore combining that can be done and then we will have to take a look at all these options and figure if we see anymore -- if we can provide you all with some feedback on, you know, EPA's position on some of these.

MR. SKERNOLIS: It might be helpful to take a little time to get feedback from people who have negative feelings about any because some of these might be -- we can modify. You know, there are language problems or whatever that get people greater comfort level and we at least maybe ought to sort that out but EPA deliberates about them.

MS. FEIL: Okay. We can spend a couple minutes on each one just getting some comments on them.

MR. SKERNOLIS: Or just have people say, you know, pick one out and tell us -- pick five out and tell us what is wrong with them and let's see if we can mediate some of that now before EPA --

MS. FEIL: Okay. Susie, do you want to --

MS. FERGUSON: Just a couple of comments.

Some of the items are sequential in that they need to happen before some of the other ones can occur, particularly when you are talking facility I.D. It is all dated reporting and our pieces -- so that there is a logical order that you would proceed if you were doing some of those items.

Some of these maybe more important from a reporter's perspective or maybe more important from a regulator's perspective. We may have different views on them and it would be good to have that discussion, too, to see what kind of priority we would put on them. I don't know that I would try to eliminate of them at this point in time. I think you need further analysis before you can carry it that much further, but if that kind of helps shape your tomorrow's discussion, just some thoughts.

MS. FEIL: Okay. If we are going to go through them and have people's comments or changes, do you think it would be helpful for me to take five minutes now and rewrite them, so you can see them, see what we have already put together with what? Or do you want to just go on? I am "yeses" and "noes," all over the table.

I think it would be helpful because I can't even tell what goes with what right now and it only takes about two minutes. So, why don't we just take the minutes.

MR. BROMLEY: Before you get started, I think there is one you can probably -- it is not unique, but at least I don't think there is any problem with No. 1, better explanation and use of two significant digits. Has anybody got an

opposition to that? I wouldn't think that anybody would on that. That is pretty non-controversial.

MS. FEIL: Well, we may go through them and decide that.

MR. BROMLEY: I know. I was saying there is no sense in --

MR. FEES: Maybe I need -- maybe I can add something that might be controversial. Have EPA report in the PDR two significant digits. Go beyond just what the reporter is supplying.

[Multiple discussions.]

MS. FERGUSON: Mr. Chairman, a process selection, since we are close to lunch already --

MR. FEES: That is what we are debating.

MS. FERGUSON: And if it helps you, the shuttles to the mall run on the hour and half hour.

MS. FEIL: Okay. Do you want to break for lunch right now? This is going to take another maybe four or five minutes.

MR. FEES: We can break for lunch now. It means we need to be back here in one hour.

MS. FERGUSON: Since we are ahead of schedule, can we make that an hour and a half or is that --

MR. FEES: Well, that is an hour and 15 minutes because we will be back at 1 o'clock.

[Whereupon, at 11:45 a.m., the meeting was recessed, to reconvene at 1:10 p.m., the same day, Wednesday, May 27, 1998.]

A F T E R N O O N S E S S I O N [1:10 p.m.]

MS. FEIL: We don't have a half an hour anymore. We have got about 20 minutes. What we are going to try to do is take comments on these. We will just open up the floor and let people comment.

I am not going to write them all out. They will be in the minutes and people from the EPA are here to hear them. So, I think that will give you more opportunity to speak. So, Mike, you are.

MR. ECK: Comments on three of them and I am using your new numbering system now.

No. 11 is info received from suppliers and shippers, easier to use. This is sort of a comment and sort of a clarification. I wonder if that would include, could include extending the supplier notification provisions from product to certain waste transfer to sort of accommodate our RICRA waste treatment or our P02W friends. That is a comment.

On No. 12, which has now moved beyond the electronic format --

MS. FEIL: Did you get that, you guys, or shall I --

[Multiple discussions.]

Okay. Let's write them down then.

MR. ECK: Why don't you use the same number system?

MS. FEIL: Okay. No. 11, was that?

MR. ECK: Yes. Why don't you put comments at the top just so we don't get lost in the --

MS. FEIL: Okay.

MR. ECK: Yes, it was for No. 11. Extend supplier notification to waste?

MS. FEIL: Okay.

No. 12.

MR. ECK: No. 12, spreadsheet style, I wonder if the term "spreadsheet" here is being used as a sort of a jargon term to imply electronic calculation or if, in fact, what is being proposed is the spreadsheet Form R that we have already discussed at length. In other words, there may be some improvements on the AFR besides the spreadsheet style, yes. So, that is sort of to 12.

Then my last leave it alone comment, No. 15, interpretive guidance on statutory language level of effort. I wonder if EPA would proceed on this as they have proceeded in developing some of the compliance standards, the technology for compliance. In other words, would EPA survey sites at various industries that had either the best available or some representative or some average data tracking ability and level of effort for data collection and then develop standards? I am sort of unclear on how that would be done.

It might be nice to know for what we vote. That is all.

MS. FEIL: Okay. So, those are your questions.

MR. ECK: Questions, comments, suggestions, clarifications.

MS. FEIL: Okay. Do you want to quickly try to -- these really are questions. I guess what I thought we were going to get was more comments or, you know, agree and disagree. If these are questions, do you want to try to quickly -- can we quickly answer them or are these big discussions?

PARTICIPANT: Are you ready for discussion or are you just --

MS. FEIL: Well, I think that we have half an hour now to get as much as we can get. Tomorrow -- then we have to move on to something else. Tomorrow the EPA is going to come back, I guess, and talk more about them. Do you want to -- do you think we should just get these questions done or --

MR. CRAWFORD: I would just reel through. If people want to clarify some points that you have raised already or --

MS. FEIL: Okay. Any other --

MR. SPRINKER: I think on 11, one of the things I did mean was -- I clarified was to, I guess, extend that to reporting on waste. Let me think. There was a fair amount of discussion. I am not quite sure where this fits in. One of these days I will get used to these glasses, these bifocals, but the issue of accuracy or confidence limits, you know, fo-

cusing on -- I will toss out a number -- a 95 percent confidence limit, that the numbers you are reporting are accurate, based on the information you have, I think, is something that maybe needs a bit more, perhaps, explanation from EPA. I think that is an important concept because it is -- I mean, as soon as someone sees a number, they assume -- most of the general public assumes those numbers have a certain degree of accuracy to them.

MS. FEIL: Okay. So, you are saying you need more explanation on that. Is that correct?

MR. SPRINKER: Yes. I would like to see -- maybe it is something we need to spend some time talking about. I would like the EPA's feedback on that, on the whole concept of accuracy or confidence limits of the numbers that are reported, what they are really shooting for, how to reach higher accuracy from those numbers.

MS. FEIL: Okay.

Jon.

MR. STONE: Jon Stone.

I have some real problems with No. 11 with a supplier knowing what a customer is doing with the waste that is generated. We can tell the customer all the hazardous constituents. We can tell the customer the SARA(?) 313 reportables and how much is there. But then we have no control over how that product is used or where it goes after it is used and I am not confident that what the supplier should have continuity as far as that going to the waste site because a lot of customers buy a very similar product from a number of different suppliers and you are going to have a real mix in that waste flow.

MS. FEIL: Okay. Other comments?

MR. CRAWFORD: Just for EPA's clarification, I guess, the way I read the original was there would be a standardized format that suppliers would use, rather than just tagging on information on the MSDS so it is readily available and usable versus that the supplier of the original mixture could predict what tracking, what content, concentration that use may result in, however, that I am starting to not understand about your comment.

All right. At each point, there would be supplier notification basically and after a use of a material and it becoming a waste that gets managed off site, that there be supplier notification based on the content of the waste from that person who used the material.

MR. GARNER: Just following up on what Tim said, I think that if we call that generator notification, it would make more sense to people, as the generator of the waste that would notify the treatment facility that it has got x percent of y TRI chemical.

MR. CRAWFORD: Was that the notion that was brought up in earlier --

MR. GARNER: I think so. I think that is what Mike Sprinker brought up, which is different than a supplier notification for a new product, which is really what 11 speaks to.

MR. STONE: I can handle that that supplier becomes a generator. Then I would have no problem.

MS. FEIL: Okay. I am going to add that on to your

comment.

MR. SPRINKER: Can I add a little clarification to that, too, if possible? What I was trying to get at here was how do you make it less burdensome, easier for the people who are doing these calculations of what is coming in on the waste stream or through whatever route to be able to calculate their numbers from? I mean, the burden issues aren't just what EPA imposes in EPA forms, but, you know, finding, perhaps, a standard format if you would for reporting the information or sending the information to people doing treatment and so on, so they will know what they are actually handling without having to do, you know, hundreds or hundreds of thousands of calculations.

MR. STEIDEL: I just wanted to follow-up. No. 5, develop one-stop reporting to avoid duplication. Is that just an extension of what EPA is already doing for that? Just so I understand what one-stop reporting means.

MS. FEIL: Is that a question?

MR. STEIDEL: That is a question. Or is that what anybody else reads into that question?

MS. CAIN: I was the one that brought up the issue of one-stop reporting in the State of Massachusetts. I don't know whether it would be legal to do in the federal level or not, but it would be, ideally, the thing to do.

MR. ORUM: Could I raise a big obvious one that I forgot this morning?

This should have been raised way back under interests and that is to promote source reduction for burden reduction in reporting. There is a whole field of opportunity there that we haven't touched on.

MS. FEIL: Any other comments?

Fine. We are five minutes ahead of schedule.

Tim, you are on.

MR. CRAWFORD: Great.

Well, thank you. That was all very helpful and I hope we do have a chance to take a look at that stuff and give you at least an initial feedback on some of the issues or concerns or basically the liability that we can see with some of those and give you enough time tomorrow to round off or round up maybe a question or concern.

What we would like to do now is go over a more focused area of burden reduction for reporters and that is all related to the material that we passed out previously and the analysis of changes to the alternate threshold positions. Again, if everyone has got that?

I guess in absenteeism --

MS. PRICE: Ken Geiser couldn't be here today, but he took a look at the issue paper and wrote up some comments, which he sent in to me, which I am going to circulate to you all just so you have them.

Agenda	Item:	Introduce/Review	EPA/OMB/SBA	Issue
--------	-------	------------------	-------------	-------

Paper on Form A

MR. CRAWFORD: Okay. We would like to take sufficient time to walk through this report and make sure everyone understands its content and, indeed, clarify any questions you may have and potentially have enough discussion in time to think about it, that we can poll and kind of get some ideas

and impressions that you might have.

Should I take some time now and let you read through Ken's comments or maybe I will just go over generally what I plan to do.

The issues paper that we passed out, it is a concerted effort between EPA, OMB and SBA to provide everyone with an objective paper that takes no positions, but basically lays out some of the suggestions and changes to Form A as it currently exists. Some of that is to simplify the process that facilities go through to use the current option and then some consideration on expanding the eligibility and make it potentially usable by facilities that aren't eligible now.

Just to give you a bit of background, I don't know if you had much time to read this and I apologize for it not getting to you earlier. There was a degree of back and forth on some language, but I think it does represent something that all the agencies are very happy to present on this level.

Okay. Some background information. The alternate threshold or the Form A was originally, I would say, conceived by some concept papers that were passed over from SBA back in maybe 1991 and that developed into a term of discussion between SBA and EPA and finally resulted into a petition and then a similar petition was received by EPA from the American Feed Industry Association that asked for burden reduction, essentially targeting their entire SIC Code to be let out of the reporting requirements of TRI.

So, we have basically addressed both of those concerns, using authority provided in Section 213(f)(2) and that is to modify the thresholds by creating a group of industries or a class of chemicals. There is some flexibility there on how a group can be targeted.

But with that authority, there is some limitation and we have tried to describe that in the body of the paper on page 2. You will see that there is a requirement that EPA maintain reporting on a substantial amount of information on the list of toxic chemicals. So, that is something that needs to be considered in all of these various options suggested or what we might be able to do further.

Where we are right now is OMB has given us an extension on the Form A, allowing facilities to use it for this next cycle of reporting. That expires, though, at the end of August. So, we need to prepare essentially a follow-up document to the one that I think you had received even earlier, the interim report, and evaluate how effective it was 1996 reporting and generally characterized where the Form A is now in providing burden, that we estimated.

There is also the -- well, this process is very much part of our being able to address a variety of comments. We had an ICR emission collection request that was out for public comment and we received a handful within this ICR approval for the Form A for extended use. Those comments have to be addressed, but we are hoping to get some more focus here and that into our consideration as we go to OMB again and see where the Form A should be for the next year.

So, the report that we have laid out is basically in three different sections, some background information, some general statistics on its current use, some estimates of po-

tential use that is out there, based on reports that we see that aren't in Form A or Form A's that were submitted or -- excuse me -- Form R's that were submitted that appear to be eligible based on their waste amounts of Form A use -- go through some of the suggested options on modifying the receipt of Form A or modifying what a facility has to do to comply with this alternate threshold and then some others that expand on the eligibility.

If you can direct your attention to page 3, page 3 and 4, these are some statistics from 1996 data, very aggregate level, but can give you an indication of where Form A is in its effectiveness right now. Originally, we had estimated that it would apply to about 25 percent of the forms that we received back when the rulemaking happened and that was in 1994. What we actually have in terms of receipt of Form A is about 10 percent, but we have looked at some of the waste criteria -- well, let me back up and give you a general how Form A actually works and where we derive that.

It right now applies to facilities that have relatively low amounts of production-related waste. So, if you are currently required to report, you meet all the thresholds, the statutory thresholds, the waste management -- or the activity thresholds and employee thresholds, you can then take a look at your, say, waste management activities and if your total production-related waste, your 8-1 through 8-7, do not exceed 500 pounds, you can apply an alternate threshold of 1 million pounds, that is 1 million pounds manufactured or processed or otherwise used.

Provided that you don't exceed that, you can submit Form A and you are essentially not a covered facility under 313 requirements. You submit essentially a certification statement that you have met these conditions and EPA retains that and makes it available as far as just an indication in the database that that facility had a chemical that was eligible.

Some of the suggested changes are that either the waste management amount might be modified -- and we will get into that in the latter part of the document -- or that the alternate threshold could be modified to potentially make folks, who right now aren't in that potentially 26 percent zone -- if you are looking at page 4, the 15.4 percent of those Form R's that we received in 1996 that appear to be eligible to use Form A, based on their production-related waste amounts, some of those, some fraction of those, may not be eligible because they manufacture or process or otherwise use greater than a million pounds.

So, one modification to increase eligibility would be to raise the 1 million pounds to something greater and that essentially from these data could only get you then to a 26 percent use.

Just to go ahead and point out a couple of statistics here, right now we have about, well, 15 percent of the facilities actually do take advantage of the Form A in some capacity. There is another 26 percent that appear to be eligible, but that, again, there could be some limitations why they are not.

The total combined potential facility use, either

one or more Form A's might be possible. It was around 41 percent.

I guess now it would be fine to just go into discussing some of the changes that could be made to either increase utility of Form A for currently eligible facilities and to make it easier for them on their submissions without really changing the eligibility level. One suggestion that was made during the comments was to allow multiple chemicals to be reported per certification form.

Right now, it sounds fairly simple and straightforward, but when we originally were able to implement this, there was a crunch to get it done in time and there was a need to ensure that the management of a Form A was handled appropriately. So, it wasn't an option for our first year implementation.

We have gotten comments from facilities that are able to apply Form A for a majority of their chemicals and one of their primary complaints right now is simply that there is still a fairly substantial paper tracking exercise that they have to go through just to submit the certification statement and the certification statement now -- sorry, I don't have an example -- is about two pages long and it is page 1 of the facility level information, which is a repeat from Form R.

Hopefully, facilities that have to report more than one of those is simply filling that out once and then copying it and not having to, you know, physically do it again, but then there is also the automated form that they could be using and they wouldn't have to enter the industry-specific information more than once.

But this option would simply be -- it would not require rulemaking activity. It is simple changes to the form to allow facilities to allow facilities to list each of the chemicals that they are eligible for.

MR. SKERNOLIS: Tim, could I ask a question just in terms of the multi-chemical approach?

Would the documentation requirement as evidence of being under the threshold still be required on a constituent by constituent basis?

MR. CRAWFORD: The status of a Form A filer not being essentially a covered facility, we probably need to think about this a little bit more, but there -- in the statute, there is not specific record keeping requirements for facilities that don't trip thresholds, reporting thresholds.

So, the Form A submission essentially applying to a facility that would not be covered for that chemical, although we have record keeping requirements for the Form A to substantiate that you are eligible for Form A, are potentially lesser than what the Form R might require.

MS. DQA: If you are a covered facility, you are required to report the information in 313(G), which is information on -- it is the stuff on the Form R. I think what Tim is saying, with the alternative threshold, since you have an alternative threshold, if you don't exceed 1 million pounds, you are not required to comply with Section 313(G). You are no longer a covered facility. The record keeping requirements appear and we needed to talk about counsel a little bit, but appear to apply to those people who are covered facilities.

So, the answer is we need to get back to you.

MR. SKERNOLIS: I was just curious in terms of your presentation whether there are cost savings associated with record keeping because you are not requiring constituent in that approach. You are not requiring constituent by constituent --

MR. CRAWFORD: Well, each constituent would be identified in this multi-chemical listing. It wouldn't be deflated really by having multiple chemicals submitted on one certification statement, but to the extent that there is record keeping requirements for Form A submissions now, it would still be in effect and it wouldn't be a record keeping savings.

MR. SKERNOLIS: Okay.

MR. CRAWFORD: The simple savings here would be basically the tracking of pieces of paper and, hopefully, that could be reduced even at the state level when they then process the number of pieces of paper that they have to submit. And, largely, for an example, I mean, this came in from an industry that has multiple chemicals per facility but most of them are eligible for the Form A. And for them to have to submit 20 pieces of paper versus one or two is just an apparent savings.

Any other -- Paul?

MR. ORUM: To follow-up on your answer before, I mean, this sounds like a good idea to me, multiple chemicals for certification, but this is the first time I have heard anything to suggest that there would not be -- that Form A filers are, in fact, not covered facilities for the purposes of establishing the records that are needed to demonstrate that, yes, they looked and they found this. They looked at how much chemical they used and this was the result.

Are you suggesting then that this is unenforceable?

MR. CRAWFORD: No. They are -- I mean, there would be a major violation if the facility either didn't submit a Form A or submitted a Form A that they were not eligible to take advantage of. If nothing was submitted by a facility and it was determined that they met the statutory thresholds, they are a non-filer.

If they submit a Form A and they weren't eligible to submit a Form A, they are also a non-filer.

MR. ORUM: Let's put it this one. One of the advantages of a Form A, of having it period, as opposed to, say, having nothing, is that if you have a community and somebody goes and looks and they say, oh, I think this facility really uses a lot of chemicals and they might go in certain circumstances to a citizen's suit or something to make that company report. If you have the Form A that says, oh, we looked and we use it but it is below this amount, they know they don't have to do that. So, the completeness of the reporting is one of the beauties of the Form A. You don't lose that out of the system entirely.

I just want to make sure that you are not saying that for some purposes like that the records wouldn't be required to be established and maintained that would establish that, you know, the companies did look and did decide, yes, in fact, they had less than 500,000 put away.

MR. CRAWFORD: But that they had exceeded the statutory thresholds? Right.

MR. ORUM: Right. That they were --

MR. CRAWFORD: That is options that are brought up within this section of the paper, too, to the extent of not submitting anything, basically, Form A being a modified threshold that would apply as the statutory thresholds apply. I will get to those at --

MR. ORUM: So, that can be considered a comment on that.

MR. CRAWFORD: Okay.

Well, I will try to make this Form A discussion as interesting as possible, but for one thing I will just -- I am grateful that we have a group that we can kind of share the burden of looking at burden reduction with. It is a good deal of time that we spend thinking about these things in detail, making sure we have characterized them properly, but it is nice for one to hand it off to an objective group or at least another group and have you give us feedback, but it is also nice to know that we are not swimming in the same sea together and we can share this -- sure. Maria would like --

MS. DOA: One thing I would like to add and it is the timing issue for the things, the options would not change the Form A eligibility, like multiple chemicals for certification. One of the things -- versus the second part where things that would change the eligibility because it would involve rulemaking, one of the things that we are looking at for the first part is to get a feel from people in the group, whether this sounds reasonable, this is a good idea, anybody who hates it, why you would hate it, because if you like -- if everybody pretty much likes a lot of multiple chemicals per certification, we would like to go forward immediately and recommend it to our management so that the programming can start for the automated Form R.

So, for this first thing, please keep that in mind.

MS. PRICE: So, format-wise, do you want to go through each of the sub-bullets under this first and then go through them all again and get comments from people about what they like or don't like?

MR. CRAWFORD: I think that is probably better. At least in this section, we can walk through and I think that is even how the agenda is laid out, that we can explain all the various options. Some actually would require rulemaking if we weren't going to require a certification statement at all, but that you can fully understand those and we can have a discussion based on this, you know, not increasing eligibility but modifying the procedures that we have in place now.

MS. PRICE: Okay. So, go through each one of them, take some clarifying questions and leave enough time to then go back through them and list where people think they are good or have issues or whatever.

MR. CRAWFORD: I think that sounds more productive. Yes?

MR. LAITY: I am Jim Laity from OMB and I would just like to also suggest in the comments purely from the folks who file these things, these are ideas that came from comments from different folks, but I would be very interested to hear

what you think about whether these things would really reduce burden or not or, for example, combining all of the forms.

The first one of these options really does not change in any way the eligibility requirements, the record keeping requirements or anything else about the way the Form A program works. All it does is combine all of the reports on one form that lists the chemicals on one form instead of filing separate forms.

That would require a fair amount of programming and changing of data management from EPA. Do you think that is worth it? Does that save you any burden? And for some of these other options also, you know, what do you folks think about these?

MR. CRAWFORD: Okay. Good point.

Okay. So, I will just go through and at each point, feel free to ask any clarifying questions whatsoever and then we will move back to them and get a rough sense in the way of questions.

Suggestion B is combining the reporting forms in such a way that primarily the goal of this option would be eliminate some of the duplicative repetition, that writing down sort of the facility information more than once, but then also having each facility recognize that Form A is an option and that they consider it for their activities as opposed to trying to look for a separate form that may be in the reporting package.

It may be evident to them. They may have heard about it, maybe not, by just calling attention to them. So, essentially this combined reporting form essentially is having one cover sheet of facility level information that everybody would report and then follow-up would be a question, are you eligible for Form A on this option? If so, list the chemical and sign.

If not, you need to consider and report on all the other elements following. So, it is essentially an attached form. Is there any questions?

Committee member: Well, I think the same question as applies to the first option. It is probably premature. What is your data structure going to look like afterwards? Because many times people will do a simple count of forms or they will do the number of chemicals that are involved in a facility.

So, we may take some parity between the count under the Form A and the count under the Form R, so that we don't mislead people. It is easily addressed in public release documents. But at least it is something for you to think about.

MS. DOA: We have talked about this and like on the first one and I guess it would be on the second one, too, but the first one is a good example. When the form is received by the reporting center and loaded up, it would be treated as separate forms. It would be four separate document control numbers by chemical and by facility. So, you would be able to track.

MR. CRAWFORD: There are probably a number of procedural changes that we are just assuming can be worked out to maintain level of accounting and tracking of data as we have

it now, but we haven't gone into dissecting of each, but that is some of the stuff that we wouldn't mind hearing at this point.

Okay. Option C here is to eliminate some of the facility level information that I think was part of your suggestions earlier and that is basically having an identifier that a facility could use, rather than repeating all of the same page 1 information over and over again. Essentially, if they would have a TRI I.D. number, that would kick up and either -- this is intended to be a seamless activity, that there would be that information made available and apparent for a data user. They would not have to necessarily go to another database to see that level of information.

EPA would probably have to do a deal on data management, but we are just assuming that would be something that would be easy to do.

Probably no questions on that.

Okay. The next option here is do not require a certification statement to be submitted. The discussion that Paul and I were having lent to that. It is essentially having for the eligible group of facilities -- and right now that would be those folks that meet the Form A criteria -- not be required to submit anything, no certification. They would essentially fall off the system and be out. People would not acknowledge that they evaluated that chemical for that year and that they were eligible but would have to go back in time to look at the data if they had submitted something prior and make some assumptions to determine if they were still involved in a process that involved that chemical or make some other effort in determining if they were interested, if that facility was still actively using that chemical or even active.

This is probably in the greater realm of savings for a facility not having to track anything more than they do now for chemicals that they determined that they don't exceed thresholds.

MR. CHAMBERLAIN: So, are you saying, Tim, that they make one filing and then that is it?

MR. CRAWFORD: They would make one filing, right, and that would be it. Well, this actually -- that is the next option, which I will try to make exciting, but this would be -- if they have made a determination, just as they do now and you don't exceed -- say you exceeded the statutory thresholds and you are within the eligibility for the alternate threshold, you wouldn't submit anything and it would be up to an inspector to determine that you were eligible, Form A eligible or not and up to any data user to make some other determination.

Now, Option E, we can just go right into it, is the one step further from -- or closer to what we have now from that and that is a submission of the certification for the first year that they were eligible for a chemical and that certification would be received by EPA and one time, nothing further would be required. But for a data user, there are various ways that we could go about this. There would be some either confirmation annually that a facility would submit that would appear in the database and just reducing further paperwork that the facility has to do or there wouldn't be any an-

nual confirmation and it would be up to a data user to go back and try to determine if that facility was still eligible.

Now, their future, say, reporting requirements would be based on any kinds of changes at the facilities. If they were no longer eligible, then they would have to submit a Form R or, if you know, another chemical became eligible, to submit a Form A, another certification would be required, but just like a placeholder at each point.

We got a couple of names up. I see Bob down there has kind of been up for awhile and Tom is there and Wilma popped up.

I think Bob's has been up there for awhile.

MR. STEIDEL: Well, again, throughout all these options we talk about eligibility and there is a difference between eligibility and a fear factor. People are going to overreport because they are afraid not to have the information. I know the point has been made before. EPA shouldn't be debited for burden when somebody is going beyond the statutory requirement, but there is a law of practicality that is going to enter in here. I think that is raised in the information we have as to why Form A is not being used.

MS. PRICE: So, you are suggesting that some people may be filling out the Form R even though they could use the Form A because maybe they are not sure?

MR. STEIDEL: They are not sure. I don't think it is not sure. You have got the data already and in order for me to get a warm fuzzy feeling to fill out a Form A, I have to go through and collect the data. And, you know, at that point, I have spent the bulk of the time to collect the data. Now, whether or not I can fill out, you know, whatever it is, a 6 or 7 page Form R or a two page certification statement is, you know, as Krisztina said this morning, that is two minutes. If you use the software, it is even quicker.

You know, a lot of the burden reduction still kind of revolves around what we were talking about this morning, as far as guidance in -- the more EPA feels confident in the data and where filers should feel confident in their data.

MR. CRAWFORD: I didn't go into some of the earlier findings from the interim report that did denote various reasons why facilities didn't take advantage, but there are a number out there and many of those were probably that, you know, most of the work has already gone into it. They may still wanted to record it just because they would rather show that they have got lower volumes out there and let the community know exactly what that is rather than assume a worst case scenario.

I guess for the first year certainly it was probably more true that they weren't aware or exactly certain how to use Form A. I think we had many cases where there Form A's and Form R's submitted for the same chemical from some facilities. So, that is a good point.

MR. STEIDEL: And I just guess to piggyback on that just a little bit then, we are also looking at short term instead of long term. Let's say in the long term there will be expansion of the various sectors and let's say you are getting down to radiator repair shops. Now, that may be a sector that decides they want to use Form A to its fullest extent. There

are four good options here, but there is also going to be people who aren't at the table now and probably aren't even contemplating this, that need to be considered in the burden reduction.

MR. CRAWFORD: Tom, you had your --

MR. NATAN: Two things. First, I want to take you to task for doing an analysis with data that is not available to the rest of us yet.

MR. CRAWFORD: I apologize. We thought maybe that it was possible that the data release would have happened.

MR. NATAN: Oh, nonsense.

MR. CRAWFORD: No, but --

MR. NATAN: Anyway, the second point is under your Option D, one analysis that you didn't do was looking at the number of facilities that would report only Form A's. And as I am going to be presenting a little bit later in the afternoon, that amount could be substantial, which is an argument -- they would completely disappear from your system altogether if Option D were to be adopted.

MS. FEIL: [Comment off microphone.]

MR. CRAWFORD: That is a good point. I mean, the protocol, I guess, we should set it so we can record all this down. I don't want to lose some of our points, but let's maybe take any questions on how an option might work, just to make sure -- I appear to be getting confirmation that everybody understands fully how the options --

MS. FEIL: We are going to after this for about as much time as we have left before 2:30 write down your comments on each of these options. So, I think what Tim is looking for right now is just the questions if you don't understand the options and save the comments for when we report so it gets reported.

MR. CRAWFORD: So, are any of those names up there for clarifying questions? Mike, is yours still up?

MR. ECK: Yes. Overall clarifying question on the term "substantial majority." I haven't heard a number and, second, does that apply nationwide or does it apply to smaller geographic areas as well, locally, county, state? Or have you thought about that?

MR. CRAWFORD: We certainly have thought about it. Substantial majority, I mean, that is open for interpretation. It is in the statute as "substantial majority." There is no number that EPA has assigned to it yet. When we initially did the rulemaking, we considered impacts at the national level on data, as well as community-based and chemical-based impacts and all that went into the decision.

That certainly would be factored -- all those levels would be factored into any kind of rulemaking, I am sure, but I don't have an answer for you exactly how, what the gauge of substantial majority might be. It is potentially one of those things, you know it when you see it.

MR. ECK: If I can just come back, what I heard you say was that you at least informally did consider locally something smaller than nationwide.

MR. CRAWFORD: Yes. Yes, and that is represented in our economic analysis supporting the final rule. We have counties where the impacts were, say, from 50 to a hundred

percent, based on the data they currently collect, numbers of chemicals that would potentially only be eligible for a Form A certification statement.

I believe even in the interim report, we have got some impact on different demographics across the nation, who would be losing in which communities.

Who was next? Jon.

MR. STONE: Question on Option A. Currently, the use of Form A, when you are found to be ineligible, it is as though you didn't file at all.

MR. CRAWFORD: That is correct.

MR. STONE: If you had multiple -- ten items, nine of which subsequent inspection found were eligible and one was not, what happens? The whole form is thrown out or you are 9/10ths good and 1/10th bad?

MR. CRAWFORD: Yes, I think you would look at a 10 chemical submission on one as ten separate submissions.

MR. STONE: On one form.

MR. CRAWFORD: Right. So, each would be looked at individually.

MR. STONE: Thank you.

MR. CRAWFORD: I mean, all of the multi-chemical listing is intended to do is save the additional add-on pieces of paper.

MR. SKERNOLIS: Jon wants to know if you will issue 1/10th of an NOV.

MR. CRAWFORD: No, but a hundred percent for that 10th chemical.

Ed, your name went down?

MR. SKERNOLIS: I think it is --

MR. CRAWFORD: Paul.

MR. ORUM: Did you estimate the increase in burden on data users for any of these options?

MR. CRAWFORD: Well, for, say, the Option A and -- let's just say Option A, it would be a seamless activity. There wouldn't be any loss of data at whatever level for a user. The name of the facility, all that stuff would be represented. We don't have, other than qualitative kind of impacts, described in the earlier -- this section that talks about procedural submission changes, we don't have numbers associated with, say, the savings of a multi-chemical Form A submission, but there certainly are -- and certainly the D and E options there are data user issues that I think you are going to want to probably get on the table when we get ready for concerns. But for options A, B and C, we didn't think that there would be -- we would intend to implement these in a way that there wouldn't be any loss of data or information for users.

MR. ORUM: Under C?

MR. CRAWFORD: C also, yes. The facility level information. Hopefully, that could be -- a notifier to EPA, like a TRI I.D. number that then calls up all the information on their page 1, their facility level information, provided that it didn't change.

MR. ORUM: So, C is actually -- I am trying to figure out then if C is a proactive or an effort to use a facility I.D. number to link and provide that information or is it

a kind of a reactive effort to say, oh, this isn't needed because it is just a Form A and to actually reduce that information.

MR. CRAWFORD: Well, under those two, I think it would be a proactive measure, but the proactive would extend to EPA gathering that information that had been submitted at least at one time. It is essentially the key identifier project rolled into just the Form A or TRI. It could probably even apply to the Form R submission as long as the TRI I.D. was established, a TRI I.D. number was established, you could reduce those facility level data elements from annual submission.

MS. DOA: So, let me ask a clarifying question then, Tim.

So, then No. C would be best, somebody who had filed once and then file a Form A using the TRI I.D. because we already have that information and it would just call it up into the database.

PARTICIPANT: Then it would be updated.

MS. DOA: Right. That would be the down side to it.

MR. CRAWFORD: Well, there would probably be a condition in there that provided that prior information submitted as of blank was still valid and your loan didn't change, for example. Then you could just go in with submitting a TRI I.D., as opposed to --

"Committee Member": Can we do a C modified then, which includes the Form R's? This is the roll up of Form R's or Form R's are done at the same time? Biting off half the program might create more consternation for both filers and for users later on throughout the whole data management plan of the program, but doing it across the board sounds like a marvelous idea.

MR. CRAWFORD: Yes. There would be no reason that I can think of that it wouldn't apply to Form R's. I mean, it is -- those data elements, those facility identifying elements, are consistent. We intended to get them that way so people could identify that and there is no reason why a TRI I.D. couldn't satisfy both.

Wilma, I am sorry.

MR. FEES: Wilma's comment will be the last one before we start moving into the concerns.

MS. SUBRA: I have a couple of questions on C.

So, if it works like the discussion has been going, if we look in a database, we are going to see everything.

MR. CRAWFORD: Yes.

MS. SUBRA: Then the other thing is, you have a fence line and you put an identifying number on that TRI facility and then someone else buys it. Is it going to have the same I.D. number so that no matter what it is called, we can constantly see what was being emitted from that facility?

MR. CRAWFORD: In my mind right now, I wouldn't think so since you would have so much changing, name of facility, a variety of things. You could -- for a data user, I think, your ability to sort and determine what a single site had for multiple years would be based on address as opposed to a TRI I.D., but maybe there are some --

MS. SUBRA: There is a procedure right now.

"Committee Member": There is a real track to --

MS. SUBRA: And the other issue is you have this fence line and then the facility starts selling off units within the fence line. So, you know, one year you call it X and the next year it is really Y and Z and maybe A. Is there going to be a mechanism whereby I can easily determine that this one big facility one year is now these three small facilities within that fence line?

MS. FEIL: Okay. What we are going to try to do now is get comments on these. I think the goal here from EPA's standpoint is to find out if people endorse these ideas, if people have concerns about them. We will just take them in order. So, set it up five minutes on A, the first one. Comments on that?

PARTICIPANT: Is anybody against it?

MS. FEIL: Does anyone have a comment, though?

Great.

MR. CRAWFORD: Is there general support, though, I mean. Other than just opposition, if I could ask the level that filers basically, if you believe this is something that EPA should consider and it is worth whatever modifications we have to do in the database or reporting package to go forward with it. Essentially, I would like to get a recommendation then as opposed to just any objection.

MS. FEIL: I am savoring that moment, when you all --

[Multiple discussions.]

MR. ECK: Hang on. We didn't all -- I just have a -- just a hesitation in that we are not going to show up and go home in the next five minutes and some of the proposals down the line for adding information to the Form A would make this increasingly complicated if you have multiple chemicals and then you start asking for range estimates of 8-1 through 8-7 for each chemical, the Form A becomes a five page Form A/R. Yes, this is great, but don't go away from the table today with a recommendation until you see what happens at the end of the next two days.

MR. FEES: I support the notion of this multiple chemical. I don't know how much burden reduction it is going to provide. Certainly, being the TRI coordinator for the State of Delaware and I have to file all these, that would save me some filing space. I think it is -- it can't hurt. It is just that it is minimal on the --

MS. FEIL: There is a lot of support -- do we take comments from the sidelines?

MR. CRAWFORD: I would like to certainly add any clarifying point or other -- Jim Laity from OMB was co-author and Kevin Brownburg(?) and Damon Dozier(?) from SBA, all involved in making sure that these issues got to this group.

MR. LAITY: I just want to ask a clarifying question to the group.

Obviously, I think nobody who fills out a form would object to this, but I would like to know whether you think there is any savings and also from David and anyone else from the state. I could see this potentially being a headache for you to -- you know, for states administering -- I don't know what kind of record keeping, you know, data management systems

you have. Do you see this as easily doable or do the state people see this as any kind of concern to change and put all of the -- in effect, list all chemicals on one form?

MR. FEES: I see it as being workable because I would have still one line item, one record for each of those chemicals and it would, though, if it became one sheet of paper or multiple sheets.

MS. CAIN: I agree. I think that we are trying to streamline our reporting system.

MR. SKERNOLIS: When our facilities start reporting, beginning with this reporting -- what I am speaking here is the hazardous waste management facilities and actually if EPA should ever extend TRI reporting to other pollution control activities, this is going to be very important. I don't think it is a major burden reduction. Consistent with everything we said, burden reduction occurs with the data collection and not at the form filling out anybody. But in pollution control facilities, you are going to be dealing with a large number of constituents, only a handful of which are going to typically trigger the thresholds in any given year.

So, I would not be surprised if you see our facilities and other pollution control facilities entering a few Form R's and a lot of Form A's and this would -- because of the nature of our business.

MS. FEIL: Any other comments on this one?

Okay. Next one, B.

PARTICIPANT: Combined reporting forms.

MS. FEIL: Yes, combined reporting forms. Any comments?

Bob.

MR. STEIDEL: I will just say that when the NPDS program did a consolidated reporting form, it did not work well and they went back and separated everything back out again. I didn't have any problem with it, but there was a lot of confusion.

MR. ECK: I think I would second the notion in here that the potential confusion is a strong concern, especially the assumption that the form would itself say eligible facilities stop here, sign the Form A, go no further. I would be strongly concerned if my facility stopped, signed the Form A and just, you know, never mind the details.

MS. SUBRA: One concern when you have both forms on the same one is that the smaller mom and pop type operations may just go to the Form A and then sign off and not have the documentation that would be required to show that they are eligible. I think it is the easy way out and some companies are just going to take that way out and sign off and be done with it.

MR. FEES: I am in the confused camp or potentially confused camp. I think there is potential for confusion and I might add that Ken Geiser --

MS. PRICE: Are you going to do that because I was going to be Ken.

MR. FEES: Ken stated it also in his letter. So, I just wanted to make that for the record.

MR. SKERNOLIS: What did he state?

MR. FEES: He stated that he thought the Form A/Form

R combination would be potentially confusing.

MS. PRICE: Yes, he actually -- in the five options under the section, he said Option B is the most concerning. Experience here in Massachusetts demonstrates that confusion is the principal enemy of quality reporting. Mixing Form A with Form R may alert some potential Form A candidates, but it will surely confuse and distract some legitimate Form R reporters.

MS. FERGUSON: Going back to the interim report here on Form A where -- the core facilities were unaware, two, interpret eligibility, 1 to 5 is that they actually couldn't show the progress by using the form and another two facilities said, you know, they had already gone through the effort already.

Our experience mirrors the latter two things in Texas. We have already done a lot. Might as well put the information in. A lot of folks are concerned if they only have ten pounds, they don't want to show something -- so, I know you don't have anything here that says put the actual amount on Form A, but that may be yet another option that you would want. It seems to me that this combined reporting would add to the confusion and an educational effort would be a better job of helping to make people aware.

MR. SKERNOLIS: With all due respect to the people who are concerned about confusion, I would like to build a bridge to the 21st Century. In a couple of years, the vast majority of TRI reporting is going to be done through the Internet or something comparable to it. It seems to me that what EPA ought to be evolving towards in that context is not the notion of a combined form, but the notion of a single form with a smart system that walks a person through the process of reporting and doesn't result in confusion because they are simply led to the questions they need to answer based on other information.

Whatever you be -- however you might characterize this particular recommendation, it seems to me you ought to be thinking about this in the longer term notion of a smart system that people can avail themselves of electronically and get away from this either A or R reporting format.

MS. DOA: Could I clarify something? Would that be something like reg in a box or turbo TRI.

MR. SKERNOLIS: Well, there are other smart systems being developed at EPA right now, for example, the industrial waste guidelines that we are working on right now is going to have a smart system of walking through what kind of management standards you ought to apply to your industrial waste.

MS. DOA: So, I mean, it would be something that if you put in your SIC code and you get to -- you know, it would help to go through thresholds it knows that you are in. You make inorganic chemicals and it pulls up guidance for inorganic chemical manufacturers, that type of thing?

MR. SKERNOLIS: Yes, and it is essentially -- yes, but all I am saying is that you don't have to worry about the person filling out the form to be confused about which to use, who is going to be led through the information request by the smart system.

MS. FEIL: We are only going to take two more com-

ments on this.

"Committee Member": I think it is a good idea but there are some other complications there because in the next moment after that, there is going to be more machine to machine indications. For the bigger systems, for the bigger programs, you shouldn't have to have people doing this thing every year. The question will be can you sort out what forms you need to have, what blocks of data and make that real easy to happen.

I think for the smaller programs that is a good idea. The larger firms may not want to have this thing mediated by people and waste their time on it, but what may be likely to happen, though, is you have got to think about the evolution of the forms, not only within the TRI program but outside of the TRI program. There is always going to be a set of these things in some way. Having this small Form A sounds like something that is going to be one of the more intermediate or to share with other program offices and some other things that also get tied to the master facility I.D. form that might be an initial screening form that is used to see do I report under TSCA, do I report under TRI, what programs do I report under as a general threshold trigger mechanism.

So, I would urge you to keep that separate, keep Form R separate and watch these things evolve in a different way.

I would like to talk to you more about the upcoming things for the intelligence on some of these, but I would try to keep them separate at least for now.

PARTICIPANT: I just wanted to make a clarifying point and perhaps raise some perspective. In writing this document we are looking at the combined reporting form as a sort of outreach for the Form A. You will see it on Table 1. There are people who don't know perhaps that the Form A is an option. They are eligible but they are still reporting Form R's. By combining the forms, the Form A is right there in their face, as it were, so that they know that they have this option. That way it is one stop outreach in a sense and that is what we were looking at when we came up with this option.

MS. FEIL: We need to go on.

The next one, eliminate the facility level information from format. Comments on that. How does everyone feel about that?

MR. ORUM: This really depends whether you are talking about a successful proactive facility I.D. that really does let you link this information easily or whether you are talking about something that continues the current fragmented information reporting system and makes the user go look other places for this information.

Some of these elements are very important. Just one example, if you want to look at pollution prevention opportunities in the widget industry and you go and find 10 facilities that produce tons of waste and then you go find one that files a Form A because they have a successful source reduction program, you need that SIC code to find that information. It has got to be in one database in order to do a reasonable search. Only a few more expert type people can go look at databases all over the place.

I really like the idea of smart system under the Clean Air Act, 112R. The worst case scenario in risk management plans EPA is developing a diskette that companies will use that will raise flags every time impossible information or the like starts to be entered and will ensure to some of the completeness of the form.

I think here, as well as in a lot of the others from the last one where it puts the Form A in your face, I mean, that would all become very mundane and routine and part and parcel of the whole program if you did have that sort of system.

MS. FEIL: Does that capture it --

MR. ORUM: To be more explicit, I think it depends on -- it is a good idea if EPA successfully carries out facility I.D. system. I don't want to say that links are easy. I mean, if the information is there, then it would be great. But what I see written here is it will require users of the data to access other data sources if we needed this information. That, I think, is rather bad. So, it is not just a question of links.

MR. CRAWFORD: There is sort of a 1 and 2 to see that EPA would be a little bit more proactive on the latter part and be able to, as I was describing, introduce the data, those data that weren't submitted annually into the system, so a user wouldn't have to go looking.

MR. ORUM: Yes, you could do it that way, although I think then that gets away from the data being the responsibility of the reporting facility. And that is a very important concept.

MR. ECK: Well, first on the -- one comment only. I am not sure there is any significant burden reduction from this for two reasons. One, a lot of that information I have to have anyway for other things. Two, the current automated Form R, which includes the Form A allows me to suck up last year's reporting form with all that information, make changes and print it out again.

So, this is a one time burden of collecting information and putting it in a particular form, which is really the issue. I did hear EPA raise the issue that certain parts of company information are in your computer and while that is always true, in the computer is not the same as in the Form R or Form A format. However, once it is in there, as long as EPA's software people keep the Form A backwards compatible, then the information; 90 percent of it is there. The only thing that changes is probably the POC, as people get tired of being the EPCRA person.

So, I don't see a burden reduction.

MR. CHAMBERLAIN: I agree with Mike in terms of the burden reduction. It is not a really value added benefit in terms of effort expended for the value. You heard that, I think, from some of the representatives here, that do represent the smaller companies.

I agree with Ken's statement on Option C where he talks about losing some of the facility information could be justified. It is not necessary really to identify -- we don't need all the information to identify a facility. So, maybe it really depends on what information they are talking about losing.

ing, something that is not critical.

I guess my third point is I do like the postcard certification. In other words, it has got all the information once. What I read in this option here, send all the data in and then you just recertify by a postcard in subsequent years. And, obviously, in the postcard concept you would reflect on any changes in your identification.

So, I like that. That is a good concept.

MS. FEIL: Anything else on C? Okay.

D, do not require a certification statement to be submitted.

MR. NATAN: A few concerns. Obviously, the idea -- one of the ideas behind Form A is certifying that this information is true. If you don't submit it, then you don't certify. The second problem that I have with it is, as I was saying before, under the various threshold scenarios that have been proposed, a significant percentage of facilities would report only Form A's and that would mean that there would be no information on those facilities at all in the TRI database if they did not have to submit a Form A.

MS. FEIL: Paul.

MR. ORUM: I would be very much opposed to this Option D. One of the values of the Form A to begin with is that it retains the database, a finding, so to speak, that the firm that had used lots of toxic chemicals did look, did understand, did know and did take responsibility for where the chemicals were going in terms of reporting. It adds a burden to the data user if all of the sudden now you have a blank spot on your TRI map and you don't know if that company looked, if they didn't look, if they knew about the reporting requirement, if they didn't.

So, keeping this information in the system is very important.

MS. SUBRA: Originally there were like two classifications. One, a facility that mapped the threshold and then others that did not. Then if you come along and say, well, those that meet the ultimate threshold for A don't have to report. Now you have got three classifications but the center one, the ones that met the threshold, but didn't comply with the alternate threshold are just wiped off the map.

So, we have a facility that is really big and we know it has to report and then we have this little facility that doesn't have to report and then in between there is somebody who should have reported but doesn't have to anymore.

So, I think it is really important that we continue with the Form A having to be submitted so we know that these medium facilities are there. They have emissions, but they are below or between certain levels. I think it is really important to keep this as a submittal so we can identify those facilities.

I would be real upset if I was a real small facility and didn't have to comply and then suddenly my medium sized neighbor next door is in the same category as I am in. But the citizens really need this information.

MR. ECK: One thing to remember is that there are other burdens associated with EPCRA besides form filling out and reporting. I think it has been obvious that the material

use numbers is a big burden and you pretty much have to do that anyway. Likewise, a very real burden, though something of a gamble, is having to sit down with regulators and convince them that you did the right thing for the last three years.

I think that filing a form of some sort up front may help reduce that burden down the road of convincing regulators and for the corporate world potential predators, who are trying to create lawsuits, et cetera, that you did, in fact, follow the directions and you did, in fact, report correctly. It serves two purposes. One, you have, in fact, sent a piece of paper in, which serves notice that you are aware of the requirements and you know the rules.

Two, it, I think, keeps the corporate skill up to a certain minimum level, which given that EPCAR is a one-time requirement may or may not be otherwise maintained. If you don't have to file a form, it might be easy to let it slide a couple of years.

Did you summarize that briefly? Very good.

MS. FEIL: The only thing I didn't get was you said there were other burdens and -- I got the big last one. I didn't get the first one that you went over very quickly.

MR. ECK: The first burden was really the material collection of figuring out how much material you have used, how much releases you have. In other words, calculating threshold.

MS. FEIL: Okay. Got it.

MS. CAIN: I am very much opposed to this option. I believe that you could potentially lose a lot of significant information.

MR. SKERNOLIS: I am asking a belated clarifying question. Do we know what percentage of facilities file only Form A's?

MR. CRAWFORD: Only Form A's. We have -- we don't have those data today. Sorry. We do have number of facilities that filed a Form A, at least one and we do have numbers of chemicals for which only Form A's were received, but I don't have the other data. As we get into this next section, there are some data gaps that we will try to make up tomorrow, if possible. It depends on who is working today. But that is a piece of supplemental information we could probably provide to folks, but it doesn't look like it will happen during this meeting.

MR. SKERNOLIS: It seems to me that a fair consideration of D requires both an evaluation of lost information in terms of constituent information or the chemical information, but evaluation of lost facility information, which I think some people have expressed, and it might be that this option loses very little facility information because a lot of facilities are reporting Rs and As.

MS. FEIL: Okay. I am going to take two more comments on this and then move on to E.

MS. BROWN: There are some other states that -- there are some states whose budget is based upon the number of forms that are submitted. For them it is not only losing information. It is also losing money.

[Multiple discussions.]

MS. FEIL: Okay. We are going on to E.

MR. CHAMBERLAIN: I have a comment on this one.

MS. FEIL: On D or E?

MR. CHAMBERLAIN: D, on D, before you close the door. I like this option. I don't know why, but I like it.

MR. LAITY: I have to ask a question on D. Except for this comment, I heard a whole lot of negative stuff and I didn't hear anybody jumping up and down saying this would really save us any burden.

Should we conclude that the public interest groups in the states hate this and the regulatees really don't care because it is not a savings for you anyway? Or do the regulatees actually think this is a good idea?

MR. STONE: As one who fills out Form A's in ours, I have got one facility that is only Form A's. I have got one that is Form A's in ours and the one that are Form A's the first year is more of a burden in time than the Form R's because you have really got to do the calculations to make sure you qualify. The Form R's, you have got some nice ranges and you know what range you are basically in and year to year you are going to be in that range.

But if anything changes on a Form A, it is a considerable burden in time. Subsequent years it isn't if nothing changes in your process. But that first year, it is a bear.

MS. FEIL: Does that answer your question?

MR. LAITY: Well, you still have to calculate them if you are eligible for Form A whether you do without or not.

MR. STONE: The first year. Subsequent years, if nothing changes in your process and you use the same amount of material that contains that substituent and that is basically the same. They are not pure substituents. They are components of big things. And if nothing changes, I feel confident in using a Form A in a subsequent year without increasing time. I will just have it signed off.

MS. FEIL: Is there anybody else who wants to answer that question before we go to E?

Okay. E. One time certification.

Paul.

MR. ORUM: In the near term, I see this as a transfer of burden from the data reporter to the data user. In the long term, with, you know, fundamental reforms of EPA's information and how it is tracked and how all this facility identifying information is kept and stored and linked to other information that is reported, you have a possibility here, but in the near term, I mean, you are making an extremely difficult educational burden get put on the public interest community or anyone who deals with the users of the data to say, oh, and now to find out this other information, you have got to go look here and here and here for this particular facility.

I just can't imagine it happening.

MS. FEIL: Okay.

Wilma.

MS. SUBRA: One of the problems I see is if it is not automatically brought up each year, even though they certify one year and then assuming nothing has changed, is it going to be in the database and then are we going to be able

to see that there haven't been any changes since 1992 or something like that? Is that going to be available in the database or do they just report that one year and then they get wiped off the screen and you never see them again until something is changed?

MR. CRAWFORD: As it is represented in this description, it is the notion that they would appear one time. It would be up to the data user to assume that they have continued to be eligible for a certification statement. It wouldn't be automatically updated every year by EPA to represent that that activity is ongoing and consistent.

There are, you know, sub-options within each of these and one of those would be, you know, after that first year submission of the full Form A, there might be a postcard that annually gets -- well, it is an annual certification by the facility, but just a reduced format that they would confirm that they are still eligible that year or the next year for the same chemical they preceding year filed a Form A and then EPA could do the work of making that year's submission.

So, for the data user there wouldn't be any gap and you would know that they have got a confirmed status.

MS. FEIL: Sam and then John.

MR. CHAMBERLAIN: I think that to answer Paul's question, it would probably work if they made a one time filing and EPA issued every year an evergreen statement about these are the one time filers for meeting this certification such that you would have an ongoing list every year and then if a company no longer met the threshold, then the caveat to this would be they would have to notify EPA that they no longer met the threshold.

MR. ORUM: How would the company maintain their responsibility for making sure that information was accurate?

MR. CHAMBERLAIN: I think they would have to do it each year on an annual basis. It would be an internal management system that they would have to set up to make sure that happens.

MR. ORUM: They would look it up in the EPA system and --

MR. CHAMBERLAIN: Well, you would do it two ways, either internally through their own management systems or secondary, when EPA issues the list, they will look at it and say "yes," I still qualify or "no," I don't. Then they would have to notify EPA. That would be sort of after the fact, but EPA would always issue the list based on that first filing. It would be a way to track it.

"Committee Member": Do you have any stats on the number of duplicate Form A's that come in in sequence?

MR. CRAWFORD: We only have two years to work with and right now our 1996 data, which weren't available to everyone, sorry -- I don't know how many were duplicates from the year prior.

"Committee Member": So, we don't know if it is really possible -- I mean, generally, having the exception reporting sounds like a marvelous idea, especially when you get the facility I.D. working.

But on the other hand, the question of constructing expectations and forcing people to build or rebuild these sys-

tems should be based on some evidence. Unless we have evidence that shows that there is consistent duplicative reporting in sequence for more than two or three years, that seems like that is a pretty big leap.

MR. CRAWFORD: I know that we have heard -- we don't have any quantitative information yet, but from some industries like the Ford industry, like the borrowing industry that Form A is eligible for a majority of their chemicals and that there would be a major change in the industry before they would no longer be eligible in its current form.

I would imagine for some of the new industries that we are bringing on, Form A is going to even in its current position apply to a lot of their chemical management practices.

"Committee Member": So, perhaps it is well worth it in trying to think about getting the Form A's out better and then seeing what, in fact, are duplicates that could be saved by the certification afterwards.

MR. LATTY: I would just like to come back to Wilma's question for a minute. In the description of this option, it says EPA would retain the information from the one time certification in the TRI database, along with the year and certification. As Tim said, there are variations on that option, but my understanding of it was that if you went to look in the database just the way now you would see the information that the facility filed a Form A, you would -- under this option, you would see the information that the facility filed a Form A in 1997. And if it is 1999, then you know that that was two years ago and presumably the facility -- that information is still the case because the facility had an affirmative responsibility to file a new form if anything changes.

Of course, you don't have the annual reverification of that, which I understand is important to a lot of folks, but I think the idea is that the information would still be there with a date attached to it and you would evaluate for yourself the validity of that.

MS. FEIL: I am going to take these last four comments and then we are going to close this.

David, I think you are next and then Wilma, Bob and Maria.

MR. FEES: As a state TRI coordinator, I populate a database in Delaware, I wouldn't be able to populate 1997 data with the information from the 1996 Form A. I mean, it would be in the 1996 file. I actually separate my -- and do links with the data. Each data year I keep separate. So, I couldn't populate the 1997 with it. So, I mean, it seems to me they would only be good for one year. I would not assume that status is the same.

MS. SUBRA: I have a concern if a company goes out of business or is bought out by someone else and this just keeps dragging along and it says in 1997 it is certified. So, this facility is in there and it stays in there. And when they sell, they are not going to send in something to EPA that says remove it.

So, you have got these dragging along and then you have the new ones added to it. And there is not a mechanism

to remove it if they sell it or go out of business.

MR. STEIDEL: Yes. Like Wilma said, we advocate that they remove Form R users as soon as they go out of business. We would advocate the same thing for Form A users. So, we would not agree with this option.

MS. FEIL: This would be -- I am sorry? Because?

MR. STEIDEL: Because they need to be removed as soon as they go out of business and there is the opportunity here to bridge years before you know they are out of business.

MS. FEIL: Okay.

Maria.

MS. DOA: This is sort of a follow-up to what Jim Laity and then David said. At least right now -- I imagine it could be changed, but at the national level, the National Library of Medicine has TRI data and the data is on TRIS, they follow by year and when you pull up information, you pull it up, the forms for 1996.

I don't know whether you can pull up everything, but it is year specific and it sounds like David's system is really similar to the national.

MR. FEES: But certainly I can link and I can do multiple year trends if I want, but I wouldn't repopulate a future year with previous year's Form A information.

MR. CHAMBERLAIN: I have one point I would like to make just as a sidebar. Wilma has brought up the point several times for the last six or eight months and that is if a facility changes ownership or sells a piece of their particular manufacturing processes, I know that they are required to notify the agency under different statutes and regulations, but I am sitting here and I can't think of a requirement to notify the agency under the TRI process. And something we ought to put in the parking lot off to the side and visit that and make some sort of, you know, requirement to notify a facility as part of TRI, just put it in the parking lot and we can talk about it later, to help that issue.

MS. HAZEN: There are a couple of issues like that on Form R -- Form R and Form A, that would be very, very useful to visit at some point.

MR. ORUM: Ohio has their cessation of regulated operations program that kind of functions that way.

MS. FEIL: Want to take a 15 minute break?

[Brief recess.]

MR. CRAWFORD: Okay. Let's go ahead and get started. I guess what I would like to do is go through the remainder of the paper sort of as quickly as possible with everybody really understanding all the options and issues discussed and then we will go back to that clarifying series and if we don't make it to the end of it without having people's comments, we can come back to that at least tomorrow, but I think we want to certainly stop by 4:30 and allow the public comment period to kick in.

Okay. Well, the back end of the document is describing options that would change the eligibility of facilities that are -- the eligibility status for facilities to use the Form A option. Let me just describe. There are two criteria that the facility has to consider.

For brevity, I would like to just call those the

waste threshold and that is the amount -- right now, it is the production-related wastes, which are currently set at 500 pounds and then the activity threshold, which is the manufacturer process or otherwise use threshold, the alternate threshold, which is currently set at 1 million pounds.

Some of the suggestions that we have heard are maintain the structure of the waste threshold. So, that is the waste management -- I mean, the waste threshold would be composed of the same data elements, 8-1 through 8-7, production-related waste, but would increase the level from, say, 500 pounds now to 1,000 or something higher. We have data on 2,000 and 5,000 pounds and what that may do.

The others then modify which data elements facilities have to consider in their, say, waste threshold, excluding some activities that wouldn't have to be considered and potentially extended to eligible facilities for those that have higher volumes that would be extracted, whatever. And we have got three different options described and then lastly there is a discussion on raising the activity level threshold.

So, increasing the waste threshold, I think that is pretty clear and straightforward. Is there any question about that now, clarifying question? Only clarifying questions.

PARTICIPANT: Is that pounds?

MR. CRAWFORD: It is pounds.

Okay. Well, we will just move to --

MS. FERGUSON: I have a quick question. Back on the definition of "substantial majority," is there anything on the process record that adds to that?

MR. CRAWFORD: Okay. Let me just shoot from the hip.

PARTICIPANT: No, the conference report doesn't really elaborate on that.

MR. CRAWFORD: Okay. Well, unless Maria finds something in the future, she can -- but let me just introduce some of the three options, other than the current total production-related waste option that exists and that is excluding amounts recycled from that total production-related waste. So, you should allow facilities to recycle on site or off site as much as possible, but that would not go into their eligibility determination. That is Option 1 under B.

B discusses all these variations of what the category basis would be, the waste category basis. Option 2 under B is then removing amounts recycled and burned for energy recovery from other wastes associated. So, that would be amounts released on site and off site, amounts treated, amounts disposed and then, lastly, the third option there is the quantity release, which is on site and off site releases and amounts transferred off site for disposal treatments also out of that.

MS. DOA: But the No. 3, though, quantity release, would exclude accidental releases.

MR. CRAWFORD: Right. And when you get to the numbers -- I know the data matrix -- it is in Table 2 -- is pretty tight with information. We tried to present as much stuff as we could. It is a fairly complicated picture and not complete enough to make any decisions but it is something to relate sort of the estimated impacts at these various cuts,

what they would have possibly on the data.

Perhaps we could just go to the table and try to make sense of some of that information, unless people would like to go back and -- do you have any clarifying questions for cutting the waste threshold criterion?

Okay. Let's go to the table. That is on page 8. We have under the first level, the current basis and that is the structure of the waste management or the waste threshold now, and that is total production-related waste, 8-1 through 8-7. We have -- it is slightly shaded on your paper. The current level is set at 500 pounds and then we go through 5,000.

Let's just go across the top so we can understand what all these data elements are. What we have done --

PARTICIPANT: I am not sure the shading shows up on the xerox. So, you might want to --

MR. CRAWFORD: Okay. The first line is 500 pounds and that is basically the conditions of things right now assuming that all eligible Form R's were also converted into Form A's. This doesn't reflect actual Form A submissions. So, what you see in the first column, the amounts in pounds of total production-related waste, based on the current level of 500 pounds is 4.8 million.

Some fraction of that are for facilities -- are for Form R's -- excuse me -- that came in as Form R, but appear to have total production-related wastes that are eligible for the Form A option.

What we have done for those Form A's that were submitted was assume those at 500 pounds. So, there is 500 pounds represented for each actual Form A, which I believe is about 7,400 tons, 500 pounds. That fraction is, you know, the assumed basis of what we have right now and then anything additional to that would be those -- what actually came in on those Form R's that looked like they were eligible for conversion.

Now, in terms of the total national picture, aggregate data, that is 2/100ths of a percent of total production-related waste or associated with either Form A's submitted, assumed at the 500 pound level, and those Form R's that appear to be eligible.

We wanted to represent what the impact might be on simple releases and releases here, we have included those releases due to catastrophic one time non-production-related waste and those were actual submissions that we could use on the Form R's that appear to be converted. There is no assumed amount for the catastrophic, for the Form A's that we actually submitted because that is not part of what they have to calculate for their basis of eligibility.

So, one thing that is kind of unique about that that you might see, it is a greater volume for amounts of releases than there are for total production-related wastes for Forms R or Form A's that were eligible at the 500 pound level.

So, that is just a notation, but in terms of releases 8.1 and 8.8, it appears that those are about 3/10ths of a percent on the national -- based on the national aggregate data. Here is some actual form counting. We have 18,675 forms of one form or another that appear to be eligible;

7,400, 7,200 were actual Form A submissions. The difference in there at 11,441 are the Form R's. That is 26 percent of all forms submitted and that is not just Form R's. That is all versions of a form.

We wanted to reflect what the impact might be on specific chemicals because there is a big picture here to look at, other than just the national aggregate data. What we have done here is determine which chemicals would be completely eligible. This is at a hundred percent for Form A submission, would no longer Form R submission, based on information that we have seen.

We have a total of 70 chemicals listed here and associated with those, we have 127 reports.

MS. HAZEN: Does that mean those 70 chemicals would not appear anywhere in Form R then. Those 70 chemicals would basically flow out of the Form R system.

MR. CRAWFORD: That is correct.

Let me tell you what that is composed of. Actually received in 1996, there were 33 chemicals for which only a Form A was received. So, the difference between the 33 and the 70 that you have here, you know, the -- what is that, 37 chemicals, are chemicals for which Form R's are actually received but would be eligible for the Form A.

There were 44 reports associated with those. Now, to get at that quantity of 8.1 through 8.7 associated with just those chemicals -- this is just a small snapshot from the national picture, but we assumed again 500 pounds for each of those chemical reports for which we only received the Form A to be 500 pounds. So, of the 44 chemicals -- you don't have this on your table and I apologize, but of the 44 chemicals, the 44 Form A's, we had 500 pounds. That is 22,000 pounds of that 27,200 pounds are estimates based on Form A submissions.

So, the difference here is those chemicals for which we actually got a Form R makes up about roughly 5,000 pounds associated with those. And we will go back and do some clarifying points if anyone needs to enjoy that again.

Now, then, we try to reflect some level of cost savings for each of these options. So, we have currently, if the Form A were used to its full capacity, based on that 18,600 Form R conversion here, we estimate roughly \$20 million would be saved and that is both what we call a total cost for the system right now of about 400 million and that is about 4.9 percent of total cost.

So, that is the structure of this matrix. We then have Options 1 and its potential impact across the board. That is the option that eliminates recycling. Option 2 there then eliminates recycling and energy -- burn for energy recovery and then Option 3 is the 8.1 figures only.

Since Jim had a hand in these data, I would like to

--

MR. LAITY: I just want to make one clarifying comment on the last column. To estimate the cost savings, EPA used its estimates of cost savings performed, which appear in the economic analysis of the original Form A rule, making it also appear in the information collection request approval submissions. Basically, they estimate that the cost of completing a Form A is about two-thirds of the cost of completing

the Form R.

So, what those numbers represent is basically saving roughly a third of the cost performed times the number of forms that would be potentially eligible to be Form A's.

PARTICIPANT: I have a clarifying question as a co-author of this thing. As I recollect, that 17 1/2 hours that we assumed was the hours saved and then there is the equivalent in dollars saved at the 900 something level.

MR. CRAWFORD: It is about a thousand, yes.

PARTICIPANT: What I don't remember what we did is for the Option 1 and Option 2, for which you are not doing as much calculation, did we put in this table a greater savings per form?

MR. CRAWFORD: Well, it is reflected -- actually, if you simply divide the annual savings by the number of forms that you think would be eligible, you get a cost savings per option. I didn't have that on this table here, but roughly I can go through. There is about \$1,070 per form cost savings for the current option -- I mean, the current scenario versus a full Form R submission.

There is about \$1,200 per form converted for the Option No. 1. That eliminates recycling. And there is about a \$1,300 savings for eliminating recycling and energy recovery and finally just considering amounts released or transferred off site for disposal is about \$1,400 savings per form.

As we go down through these various options, I think they start to get at some of the things that we had heard earlier today about not, say, tracking as much of the information that you have to to aggregate your data and the notion between why they were suggested as simply targeting areas that a facility wouldn't have to track and consider and somehow that would be reflected in a time savings.

So, it is your amounts that you are sending off site for energy recovery is a different thing for you to track and you didn't have to consider it somehow would be reflected as elimination of burden.

Clarifying questions only.

PARTICIPANT: So, therefore, to make it easier for everyone to understand this table, you have two effects with regard to cost savings. One is you have more savings per form as you go from current to Option 1, Option 2, Option 3. But the other effect that you are seeing is you have more forms being eligible. So, as you go from the top to the bottom, they go from the lowest to the highest.

MR. CRAWFORD: Okay.

Paul.

MR. ORUM: What sort of estimates did you do of the cost of facilities of producing this material as waste?

MR. CRAWFORD: Oh, that they would avoid the cost of managing the waste if they didn't have to -- they didn't -- would you explain that?

MR. ORUM: Well, I mean, we are talking here about -- to some degree about incentives and sort of incentive structure for what gets reported. Therefore, what is worth avoiding, the whole idea of the Pollution Prevention Act, on which this reporting is based is source reduction. One of the main arguments for source reduction is you don't have to pay to

treat and manage all that waste.

So, I am wondering what sort of cost estimates you have done in terms of the cost of producing all this material as waste. I mean, you are talking about cost savings here, but that is just one part of the picture.

MR. CRAWFORD: Well, let me see if I can put that into a clarifying question. That would mean if you were to jump from the current structure to, say, Option No. 3, if there would be some way to associate the poundage that was no longer eligible or no longer required -- yes, counted towards the waste management threshold, the cost of managing that waste versus a facility now that is eligible because they have kept those wastes below or below at least the eligibility level.

I think I understand even though I don't think that sounds so clear.

MR. ORUM: As far as I know, the actual cost of re-reporting is really small compared to the cost of producing and managing this material as waste. The incentive to reduce it that derives from having good information out there among workers and the public, the newspapers, wherever else it goes, is what this right to know program is about.

Therefore, it seems to me like that would be an important analysis to do is how much does it cost to produce this waste that we are giving now -- we may give a signal is more or less okay not to reduce because it is not worth re-reporting.

MR. LAITY: I would like to just clarify one thing. This may be clear to everybody. So, I apologize if it is, but just in case it is not. All of these options apply only to the calculation for whether or not you are eligible to use Form A. In other words, under the current program, what you count for a -- the minute you get to 501 pounds under any of these options, you have to use the Form R and report all of the information that is under Form R, including management of all types of wastes and so on.

Maybe this is already clear to everyone, but just so we understand what we are talking about, the purpose of this is for a facility that knows -- let's say that we were talking about Option 1, if a facility knew that it had very few re-leases and managed very little waste in any activity except recycling, but they did a huge amount of recycling, this option would allow them to calculate their eligibility without having to track all of the waste that they recycled.

However, if they are above 500, they would still have to track down and report all that recycled stuff on the Form R, just so -- so, this is all about the threshold calculation for Form A only.

MS. HAZEN: Paul, can I -- I don't quite understand your questions. Here is what I think I am understanding. So, tell me if I am right or wrong.

Are you asking -- currently, all of waste management, waste activities are included in these thresholds. If some of those were to be excluded and, therefore, the spotlight wasn't on them and so potential pressure to bring the generation of those wastes down is taken off, are you asking, has EPA done anything to calculate the costs associated with

the waste that would continue to be generated and then ultimately manage and, in parentheses, which otherwise wouldn't have been reduced because there would have been a focus on it.

Was that the question?

MR. ORUM: Yes. That is a cost to facilities. There is also the cost to workers in cancers. There is a cost to communities in contamination. There are other costs as well. I just thought I would focus on cost to facilities to produce all that waste and manage it.

MS. HAZEN: I could be corrected, but I think the answer is "no."

MR. CRAWFORD: No, we have not done that analysis, no.

MS. HAZEN: Because I don't think we can project what the decrease in the waste generation might be as a result of public focus on it.

MR. LATTY: Just to take off my OMB hat for a minute and be an economist for a second, a lot of economists might ask the question why facilities would increase its generation of waste if that was costly. The implication of your question is that if the spotlight isn't on them, they would generate more waste and that would be expensive to them. In general, one assumes that facilities are trying to keep their costs down even if they don't care about surviving at all. So, I am not sure -- that would be an additional savings, rather than an additional cost.

MR. ORUM: You know, experience shows time and again that there is information gaps, especially in the smaller firms and reasons, institutional barriers why firms don't reduce waste. Some of it has to do with the fragmented nature of federal reporting and the people from the Massachusetts program, the TURI program, who are represented, can go into great detail on that, but experience shows that that -- the source reduction does not happen in many cases when it could and should. That is the whole point of that reporting and I think it is important to keep those costs in mind when we are talking costs here.

[Multiple discussions.]

MS. DOA: -- something you were getting at by having information reported so that people could look at the waste hierarchy and put a spotlight on that and -- I think people thought that there would be some incentive for companies to move up the waste hierarchy.

MR. SKERNOLIS: I think it is fair to say that there is an awful lot of facilities out there who are reporting, who do not pay attention to waste management costs, who do not look at its opportunities for source reduction and the spotlight helps that in the process.

The problem I have is generalizing that to all generators and basically saying nobody is looking at profit motive and competition and cost savings as a basis for making decisions about waste management. That is so contrary to every experience that I have in this business and I am sure the manufacturing sector representatives would back that up, that it doesn't -- it is laughable to me to suggest that cost savings and profit motive are not the major incentives for determining what -- not that there aren't other incentives, but in

terms of what is the driving force behind that.

MR. CRAWFORD: Okay.

Sam.

MR. CHAMBERLAIN: You said your default value that you used under the current basis for 500 pounds, you defaulted the 500 pounds for your calculation?

MR. CRAWFORD: That is correct. Total production and related waste.

MR. CHAMBERLAIN: Okay. And then as you went up the scale to a 5,000 pound cutoff, did you default the 5,000 pounds?

MR. CRAWFORD: No. The only default happens to be -- I mean, we have information for all those reports that are not Form A. So, that is actual data. It is only the 7,400 Form A's that were actually submitted that are represented at each stage in here, at 500 pounds for their total production of related waste.

Does that make sense? Let me just -- it might be helpful if I --

MR. CHAMBERLAIN: It could have been more than 500 pounds based on the --

[Multiple discussions.]

MR. CHAMBERLAIN: So that 7,400 Form A's are part of each of these numbers, as well as, you know, this quantity is made up of the same people and more as you go down the list of each of the various options. Certainly, anyone in this option is going to be eligible down here as well because they would be looking at much higher -- well, many more data elements. Potentially, this 35,000 is composed of this 18 plus that fell out --

MR. CHAMBERLAIN: Tim, go ahead and explain that. I have another question on your footnote No. 2.

MR. CRAWFORD: Well, just to call to people's attention as you go through this list to try to figure out what it is actually trying to say to you, there -- I apologize right now because there is a blank here, all these that are not available yet.

But what essentially this part of this table is supposed to do is to draw your attention to what other impacts there may be in addition to national aggregate. So, not only is it possible potential facilities but beyond that it is information that the community --

MR. CHAMBERLAIN: Is your footnote No. 2, is that for all Form A's plus R's or, I mean, all Form R's?

MR. CRAWFORD: Yes. Any amount of releases in here include the 7,400 --

MR. CHAMBERLAIN: Okay.

MR. CRAWFORD: Then there is nothing associated with --

Does anybody have a clarifying question?

MR. GARNER: On the Option 1 is subtracting out the recycle and Option 2 is subtracting out the recycle and energy recovery. So then the difference, say, in looking at the 500 column in Option 1 is 4.2 percent and in Option 2 is 5.5 percent. So, then the effect of just energy recovery is the difference, which is 1.3 percent.

MR. CRAWFORD: Right. And then the difference be-

tween that level --

MR. GARNER: So, then there is really more information on this table than meets the eye.

MR. CRAWFORD: There is a whole lot here. I want to make sure that people understand exactly what --

MR. STEIDEL: Again, the column that says chemicals on Form A only, the quantity is pounds that did not get reported.

MR. CRAWFORD: Pounds that --
[Multiple discussions.]

MR. STEIDEL: The number of Form R's under that heading is --

MR. CRAWFORD: Oh, the number of Form R's associated with those chemicals for which a hundred percent would be eligible for Form A conversion.

MR. LAITY: So, in other words, those 70 chemicals, roughly one of the two facilities in the whole country are reporting on each of those chemicals and there is a total of 100 and whatever, 27, forms that would be eligible under the current program to report those.

MS. FERGUSON: And you are in the process of filling out the NA column. So, what is your schedule for getting the forms?

MR. CRAWFORD: I would like to be able to have a fresh one tomorrow. I didn't check the office to see if they are available now. What you are going to see is similar to what is happening in all these other columns. Incrementally, it is going to increase as you make eligibility less strict, more chemicals will fall out.

Just to see right now, we have got, say, an estimated 70 chemicals. If you drop all the way down to the bottom of the paper and see Option 3, the least waste involved in the criteria, 5,000 pounds, you have got 232 chemicals released. They would completely be eligible.

MR. CHAMBERLAIN: And the clarifying question, so, when you said earlier if you look at the chemicals in Form A, which is what Bob's comment was, what I heard you say by taking the delta is that there are approximately 37 or 36 chemicals that only accounted for actual, about four or five thousand pounds of quantity. That is -- because that is actual date and then because you estimated 500 pounds, then you have assumed 40 something chemicals accounted for 22,000 pounds.

MR. CRAWFORD: Well, this is just one year of data. That is all we have to work on. The potential window, the eligibility there is up to 500 and there is a number of ways you can cut the cake, but --

MS. HAZEN: Tim, do you know what kinds of chemicals the 70 could potentially fall off if there was a hundred percent use, what kinds of chemicals are these? Is it possible at some point that you could provide folks with a list?

MR. CRAWFORD: Yes. I don't have off hand, I am sorry, exactly how these are characterized, what the level of toxicity are potentially of these chemicals. But let me just commit to the group of having a follow-up report that goes into what this is actually composed of.

MS. DOA: Right, because it is probably not a good idea just to look at national aggregate quantities for the

chemicals, especially since many of these chemicals are probably things that we added in chemical expansion and are very toxic at small levels.

MR. LAITY: One other thing that would be useful to know in that list is how that intersects with the list of chemicals that you are considering for the lower reporting threshold because presumably this whole Form A program might not apply to those anyway and it would be useful to see, you know, sort of whether some of these are those kind of things.

MR. CHAMBERLAIN: A clarifying point, I guess, and that is that the shaded line for the 500 pounds that we don't see on ours but --

[Multiple discussions.]

-- as you go down the chart, you have to subtract out -- for the delta, you have to subtract out that first line. Okay.

MR. CRAWFORD: That is the baseline.

MR. CHAMBERLAIN: That is the baseline. Okay.

MR. SKERNOLIS: I want to make an observation.

MR. CRAWFORD: I don't know.

MR. SKERNOLIS: I want to do it through a clarification question.

As I look at the chemicals in Form A only and the poundage associated with that, which is a high side estimate by definition and we would all agree, probably very inaccurate --

MR. CRAWFORD: Well, let me caution before we just accept that as -- well, because there is at least one data element that is not proposed in that group and that is an 8.8 catastrophic, one-time releases. And in some cases, those can be zero. In some cases, they can be anything. So, there are some instances where there has been --

MR. SKERNOLIS: But in general, when you are making your estimates of poundage saved, you are using 500.

MR. CRAWFORD: Yes.

MR. SKERNOLIS: So that even using a high side estimate, for example, on Option 3, the 500 pound option, we are spending 13 percent of our dollars in collection information on an incredibly low amount of poundage.

MS. DOA: But didn't Tim say that we can't conclude that that is a high side estimate because you don't have the Section 8.8, which is, again, probably release information in there.

MR. SKERNOLIS: But you would not anticipate that that would wildly inflate the 3.3 million number out of 1.8 billion.

MR. CRAWFORD: One thing. I mean --

MR. SKERNOLIS: Does that bother anybody? Does that bother EPA because they are spending 13 percent of its money to get .0001 percent of the information?

MS. HAZEN: I understand your point on poundage. Obviously, we have looked at this chart as well and said the numbers are small. The issue is not just pounds, however. It is what is the chemical. Very small volumes of extremely toxic chemicals, what is the value of, you know, five pounds of x versus a million pounds of y.

MR. SKERNOLIS: Oh, I understand.

MS. HAZEN: The other issue is in a community where this chemical -- say only two or three facilities are reporting this chemical. If you were living in the community where this chemical happens to be released at, you know, whatever, that may be extremely important to you as a community. So, EPA is sort of -- the way we are looking at this is from a number of different perspectives. Obviously, the pound issue is an important one to us.

We spend money to manage the data, just as you spend money to collect it. It is important to us. But we have to look at it from other perspectives.

If the community is going to lose all the information on that chemical, is that important. If the releases into the community to that community are significant, is that important and what are the toxicity of these chemicals, is why I want Tim to give you that list.

We have to look at all of these things to come up with what is our perspective on the relative cost.

MR. SKERNOLIS: I appreciate that. I am not minimizing that aspect of it, but instinctively one looks at that kind of relationship and one wonders about the tiering with which you have approached reporting, where you have that kind of disproportion between total cost and the amount of information you are getting.

It could lead you to a whole other chain of thought as what we are even talking about here a significant enough change to bring the cost more in proportion to the accuracy. And, remember, we are not talking about lost information. We are talking about loss of decision. There is a decision.

MR. CRAWFORD: Can I interrupt right now? We are definitely across into more of the discussion.

MR. SKERNOLIS: Sorry.

MR. CRAWFORD: I would like to be able to over the next ten minutes, let's say, go through the remainder of the document and it looks like tomorrow we will certainly have time to discuss people's concerns or interest in this.

MS. PRICE: But we want to spend about a half hour today at least to begin the reporting of comments and concerns.

"Committee Member": I have one more question on clarity though.

Do you have any idea of the number of respondents in terms of the reduction in forms? Is this concentrated in a small number of firms or is it --

MR. CRAWFORD: Well, we only have for that top eligibility from the Table 1 earlier, there are about 3,200 facilities that take advantage at some level of Form A and potentially there are about 5,000 more that could, based on just their Form R submission. So, that is about 26 percent of the reporters right now. I think that is about 41 percent of reporters that appear to be eligible at the current level, 41 percent of facilities potentially eligible to take advantage -

"Committee Member": So, then just give a ball park if you could. In your little column reduction in Form R's, number of Form R's, how would you create a number for number of facilities involved?

MR. CRAWFORD: That would be about 9,000 facilities.
"Committee Member": And that is in everyone of
these or is it also --

MR. CRAWFORD: That is the baseline. We don't have
the calculation of -- I don't have it -- that is data I didn't
ask for. Numbers of facilities that would potentially grow as
you go down the list that would be eligible.

"Committee Member": Would that be flat or would it
grow, too?

MR. CRAWFORD: I would imagine there are some fa-
cilities out there that do a substantial amount of recycling,
let's say, and they would be then eligible. There are some
industries potentially that aren't eligible, say, metal fabri-
cators or something that just can't keep all their amounts
under 500 pounds. So, there are probably real sectors out
there that are constrained by the current scenario that might
jump in.

All right. Any last clarifying questions about what
these options are? Ed, I think you understand these.

Let me just describe -- as we discuss this in more
detail tomorrow, certainly -- and everyone has hit on it so
far -- there are issues to consider. How much data are we
losing? And how does that then effect EPA's responsibility or
how does that effect what communities and data users have in
hand?

One of the suggestions has been that we sort of ex-
pand some of the information or make the certification state-
ment, the Form A, a little bit more information packed. There
is an add-on in the attachment 1 that attempts to describe
some additional data that a Form A certifier would have as the
eligibility would grow.

So, say the way it is represented here -- this is
may be in error. We have a lot of points of clarification,
but there would be then an incremental increase in number of
facilities eligible to use a Form A type option, what is
greater than where we are now and wherever that level would be
set at, say, 2,000 or 5,000 pounds or based on some other cat-
egory. Facilities would have to make up the difference with a
little bit of additional data and somehow that data would be
uploaded and made available to data users sort of appeasing
the data loss that would go along with the loss of those addi-
tional incremental forms converted.

Wasn't that smooth enough? Okay. First clarifying
question.

MS. FERGUSON: What other analysis or are you doing
any other analysis besides the blanks here. Are you looking
at some of the issues like which industrial codes are more
affected by the least actual provision. Is there a risk cor-
relation? If you broke the numbers out, managed versus ambi-
ent releases, does that paint a different picture in terms of
impacts?

MR. CRAWFORD: Let me just say that the only addi-
tional analysis that we have for, say, this level of consider-
ation is filling out the rest of this form and then probably
adding which chemicals are affected and maybe even taking it
to the level of communities. The level of detail that you are
talking about would certainly be developed in a rulemaking

activity or if the group decides that the remainder of the summer you want to spend some in-depth time looking at Form A, that could be something that you request and we take orders from that.

But right now, there is not, you know, a really dissecting of the potential impacts. We are just trying to get a first read from you all what you feel warm to and then we will, you know, proceed from there.

MS. DOA: But Tom Natant -- maybe, Tom, when you talk about your report because you have some facility-specific information that would address, I think -- that was part of Susie's question.

MR. BROMLEY: I guess this is do you have the capability of the Form R's that you have looked at from the baseline that you said were potentially eligible, plus the ones you calculated that would become eligible under the higher thresholds or the other options? Do you have at least as a rough break the difference between air and water and land, what those type of releases would be? Or maybe even break it down further in the UIC section and the waste management --

MR. CRAWFORD: That level of detail, no, I don't have it.

MS. DOA: And I don't know how we would group them right now.

MR. BROMLEY: Because total releases gives you a false picture. I mean, it is just like the reason why we have discussed about opposing totals in the first place because that doesn't give you a full picture really of what is going on. So, it is hard to evaluate exactly what we are looking at here without a little bit more information on that, even a rough breakdown of what that might be.

MS. DOA: I don't think there is enough agreement on some of the terms that were used.

MR. BROMLEY: No, I mean, just break it up between air and water and land would be the rough breakdown.

MS. DOA: The plan has application farming. The plan has -- I mean, there --

MR. BROMLEY: With that knowledge, we have that --

MR. CRAWFORD: Well, for the Form R's that we received, we have all the ability to dissect the data in any level of detail. Right now for the quick analysis to give something to this group, we relied on the Section 18 because it is just faster to upload, you know, Section 5 and, you know, units in Section 6, a variety of things could be pieced together. That is not something that we have available now.

Depending on what the group decides tomorrow, we will have to charter out what more we want to do for this.

Ed, you are up.

MR. SKERNOLIS: I was just going to partly respond to Corey. As much as I sympathize with where he is coming from and I think there is a -- I think, by that fact that a lot of these off-site transfers that either will or won't be picked up by any changes are now going to be going to facilities that are going to be regulated themselves under TRI. You are not quite sure whether that quote information is even lost on the release end. If you have an off-site transfer to a

recycling or a treatment or a disposal facility now regulated under Subtitle C, it is going to get picked up.

MR. ORUM: The transfer is lost.

MR. SKERNOLIS: No, I understand. What I am saying is it doesn't get at Corey's question of where it is going because you can't make absolute judgments about that because you have got to then track that constituent to its next destination.

MR. CRAWFORD: That sounds like a good comment for tomorrow.

MR. FEES: I think we are ready now to move ahead.

MR. CRAWFORD: I have got one last --

MR. FEES: Oh, sorry.

MR. CRAWFORD: I just have one more -- it is simply the last adjustment that could be made under the current kind of construction of the alternate threshold and that is increasing the activity level. So, I think this is pretty simply for folks to understand and right now that is set at 1 million pounds.

Of those forms that we are seeing that aren't currently being utilized as a Form A, some of the ceiling on those could be restricted by their activity level or their manufacturer process or otherwise use is greater than a million pounds. It has been suggested that for some industries that are quite efficient, their wastes are fairly well-contained and that they can manage a substantial amount of volume of material without those wastes going up. So that we could modify that, increase it from 1 million to something else and open the door to everybody, who can keep their waste down to 500.

Again, this does not change our baseline in the data table. It doesn't increase beyond, say, the 18,000 reports that appear to be eligible, but it does ensure that there is no regulatory impediment for all those potentially eligible reports to be converted into a Form A.

PARTICIPANT: Tim, I have a clarifying point about Subtitle C. Where did this come from? It is not just an off-setting amount of additional information for the Form A. It actually practically came from Paul Orum originally. He doesn't want to take credit for this idea --

MR. ORUM: Certainly not in this forum.

PARTICIPANT: -- it was a legitimate criticism, we thought, that we wouldn't have information that -- he thought and I thought it was a good idea that why don't we provide information in the Form R, Form A. So, that is why that second section is there.

The first section is there because rather than have information about the fact that the activity is in at 500, after you have already done the calculation, you already know which media this is happening in and why not tell the public which media that these releases are -- or transfers are happening in. Therefore, you have those columns for that.

So, that is why these specific columns were shown.

MR. CRAWFORD: I guess we can take maybe one more clarifying question.

MR. FEES: And after that, we are going to take Tom Natant's report on his analysis of the Form A options.

MR. SKERNOLIS: I just want to mention that to the extent EPA proceeds with lowering threshold, that a lot of these numbers become moot, depending on how many constituents are identified as having lower thresholds. Is that a fair statement, that if EPA should choose to lower reporting thresholds for 1 or 5 or 10 constituents, then what we are seeing here may not matter because the poundages won't matter and the number of chemicals and the number of Form R's are going to be maybe significantly affected.

In other words, this data might be overwhelmed by a lowering of thresholds.

MR. FEES: And that was already stated as something we need to look into, the crossover between the --

Okay, Tom.

MR. NATAN: [Comment off microphone.] And you take total production of wastes as your lower threshold, you can see that 14.5 percent of facilities would submit only Form A's if they use the 500 pound level. If you increase that up to 5,000 pounds, you get 26.5 percent.

This is based on 1994 data. Obviously, I didn't have 1996 data to duplicate EPA's analysis. And I decided not to use 1995 data because there were already Form A's submitted and I didn't want to have to make a decision about how much of any waste I would have to attribute to that point. There is no upper use threshold.

So, when you look at the chemicals that are excluded, you go from 5 to 11 percent of chemicals for which only Form A's would be submitted and that is based on the 1994 list of chemicals. The 1995 list of chemicals you would, obviously, expect that to -- the percentage to increase since there are some chemicals that have very few forms submitted.

MR. BROMLEY: How does that relate to Table 2, where it shows --

MR. NATAN: This is the very first set of rows on Table 2. Okay? The current threshold, using all of the production-related waste, the first line, 500 pounds, is just a current baseline and it corresponds to the 500 pounds here. I didn't look at a thousand pounds. That is just 500 and 2,000 and 5,000.

The implications here from the environmental community's perspective is that this is a hell of a lot of facilities for which there will be no information basically.

MR. FEES: The 14.5 represents what we should expect if it was utilized.

MR. NATAN: That represents basically what Tim's projection would give you, I would think. I mean, it may even be higher. I don't know how the new chemicals have affected the number of facilities reporting, but it could be more or less.

MR. BROMLEY: So, what you are saying -- right now, we have 500 pounds is our level in Form A. The facilities that qualify for Form A is what percentage right now with the threshold? Is that the .02 percent.

MR. NATAN: Currently, it is somewhat less. It is around 9 to 10 percent. This is because of the alternate threshold, but I don't know. Maybe they were eligible and just didn't do it.

This is in the handout that I gave you, by the way, and if you didn't get one -- anybody that didn't get one, let me know.

MR. BROMLEY: The real important numbers you would think would be the 5.3 of the chemicals that are --

MR. NATAN: No, no -- well, but if you lived near one of those facilities, it is very important. I mean, that is the idea. The fact that -- that is a lot of facilities. You are talking 23,000 facilities.

I then went ahead and looked at -- I didn't do just excluding recycling only. I did looking at excluding recycling and energy recovery. Essentially, this, again, goes with the analysis that Tim has already shown you. It gives no upper use threshold.

The amounts of facilities that would be excluded under three different thresholds that excluded energy recovery and recycling, and as you can see, the facilities excluded just hikes up dramatically and depending on whether it is 500 or 5,000 pounds and the chemicals for which only Form A's are submitted increases as well.

Now I get into the part that I call great experts talking for the sake of other great experts here. So, you will have to bear with me.

I tried to figure out what adding a use threshold would do and what I did to do that was take total production related waste as a surrogate for use. So, basically the idea is that if you have -- the current use activity threshold is a million pounds. So, any forum that then had a million pounds of total production-related waste would exceed a million pounds of use because waste is a component of use.

What this does not get at is those forms for which use is over a million pounds, but production of waste is very small and that might need some new formulation or a repackaging operation, as we heard earlier today.

So, this is not perfect, however. So, I just tried to see what would happen if you did that. Here you have the results for 1 million and 10 million pounds. As you can see, in the facilities and chemicals excluded, it doesn't make a whole lot of difference.

PARTICIPANT: This is making a very concerted assumption. I just wanted to point that out to everybody.

MR. NATAN: Well, it is the best we can do.

PARTICIPANT: Well, in the State of Massachusetts, they had real data.

MR. NATAN: Yes, and they don't have all the industrial sectors either.

PARTICIPANT: So, we were calculating, I guess it was 5 percent of the facilities that had MPU values over a million.

[Multiple discussions.]

MR. NATAN: If you look at the data, the actual data that would be excluded, the picture does change, based on the upper use threshold. Now, this is -- again, you are looking at a lower threshold that excludes energy recovery and recycling. Then you are looking at an upper threshold that is production-related waste as a surrogate. You can see that that does make a difference. So, you have to then -- you

know, you have to then look back. From one point of view, you can see a difference in the amount of data that are excluded, but, again, it doesn't seem to make a whole lot of difference in terms of facilities.

The real damage, if you want to call it that, was excluding recycling and energy recovery to begin with.

I wanted to also get to Susie's question about did we look at industrial sectors and we did. It was a little hard to read because -- if you take the current -- if you take a threshold of 500 pounds, excluding energy recovery and recycling and look at four digit SIC codes for which you would exclude at least 50 percent of facilities, we start to see a lot of interesting things. Not too far down from the top here and you see 2911 petroleum refining and you go across and it is like 90 percent of facilities.

MR. LATTY: Tom, I know this report is done. I don't know if it is possible to tweak it at all. I really appreciate your preparing this and I would be really interested to know the absolute numbers of facilities that those percentages represent.

MR. NATAN: You are right. Some of them are marginal percentages in today's --

MR. LATTY: If it is one facility, then -- I think that would be helpful to know.

MR. NATAN: You are right and we do have that information. We do plan on issuing another report a little more complete. This was kind of a run the data, crank something out in time for this meeting.

MS. DOA: But your point though was the 2911 is petroleum refining, there is going to be a number of people.

MR. NATAN: There are 168 facilities in SIC code 2911. That one I know.

MS. PRICE: Can you say a little bit more about why it would drop out?

MR. NATAN: Well, because they do a fair amount of energy recovery. I mean, that was -- 2911 was the energy recovery that ended up. When they excluded that, they burned a lot of ethylene and propylene. So, that was what did it.

MR. CHAMBERLAIN: Are you saying that they would report on Form A?

MR. NATAN: Only.

MR. CHAMBERLAIN: So, they are still reporting.

MR. NATAN: Yes, but because they are not -- because recovery and recycling is excluded from the Form A threshold, that is what --

MR. CHAMBERLAIN: So, they are Form A's instead of a Form R.

MS. FERGUSON: I don't know that I would necessarily because of the appalling comment that we have to modify Form A that showed you quantities go into this category, that would be more informative.

MR. NATAN: Well, the 100,000 plus category for the petroleum industry is not descriptive enough and you are talking about tens of millions.

MS. FERGUSON: Descriptive enough for what purpose in terms of being informative to the public in general, where these chemicals -- again, it has to do with their use of the

information. And if you go back to the specifics of the act, in terms of the purpose, of inform persons about releases of toxic chemicals in the environment --

PARTICIPANT: Wilma, would you like to tell Susie why the community might think that one doesn't work?

MS. FERGUSON: If you capture it --

PARTICIPANT: It is not a release. This is an energy recovery.

MR. FEES: Hold on. I do have a make a point here. Members of the audience and that includes SBA and OMB is not able to comment at this point. The reason we allowed you to comment was because of the joint report. So, I would ask you to refrain from comments, just to the members.

Thank you.

Okay, Corey.

MR. BROMLEY: I was maybe clarifying -- it is not necessarily for the purpose of what the community is interested in. It is the purpose of the statute.

MS. FERGUSON: Well, how we capture it and make it available is very important and I don't want to lose that, but moving from a category of information to another one may not be -- I mean, I try not to be judgmental about the results until we look through and see what does that really mean in terms of the kinds of information that is available for what purpose.

I think we have got to keep the whole picture in mind is where I am coming from.

MR. NATAN: And my purpose here was to put out the information and also, to some extent, to let you know my perspective.

MS. FERGUSON: I understand.

MR. NATAN: This is looking at what would happen, excluding energy recovery and recycling, to looking at releases. So, these would be industries that would lose 50 percent of -- these are all more than 10 facilities.

Obviously, when this goes up to 5,000 pounds, the number increases and I don't want to put them all up here --

MS. FERGUSON: So, wait. What is the difference between Table 4 and Table 3?

MR. NATAN: One is facilities and -- Table 3 is the industries for which at least 50 percent of facilities would submit only Form A's. Then if you look at Table 4, it is industries for which at least 50 percent of the releases would not be reported because they would be Form A's.

So, it is not the same universe here. We are just looking at different ways to cut the data and find out who would not be reporting what.

MR. BROMLEY: It is not the terminology and you keep using it, excluded or not reported. It is being reported on Form A, but it is not necessarily --

PARTICIPANT: Nothing is being reported on Form A except the name of the county.

PARTICIPANT: And assume that 500 pounds.

MR. NATAN: Well, you can't assume that it is all releases. I mean, you don't know what it is.

MR. BROMLEY: Well, worst case, you could assume it is 500.

MR. NATAN: You could assume it is 500 pounds of
-- yes, worst case. I didn't want to --

MR. BROMLEY: I mean, you could take the worst case
and look at that data and that is what really is being put out
there that is being reported. I mean, you may not have the --

MR. NATAN: I don't think I would want to make that
--

MR. FEES: The community could make that assumption
and then start the dialogue with the facility. At least hav-
ing Form A gives them the ability to do that.

MS. DOA: Form A is a certification statement. Form
A is not easy or it doesn't meet the requirements of the stat-
ute for reporting on releases. I mean, it is just the
baseline. There is a distinction. It is not reporting. It
is not chemical release reporting.

MR. BROMLEY: Is it on the database?

MS. DOA: It is separate. No, it is not.

MR. BROMLEY: You can access that information?

MS. DOA: No, it is separate. It is not commingled.
It is not commingled. It is separate.

Did they treat it as range reporting or only that
there was a Form A reported?

MR. NATAN: Just that there was a Form A reported
and the numbers are then put in as zero.

MS. DOA: Right. So, it is not like it is --

MR. NATAN: They are just surrogate numbers.

MS. FERGUSON: Is the information -- can we -- look
at it in different ways? We have got the percent exclusion --
you have argued a 50 percent exclusion and then we have got a
percentage of that. Can you work on pound expenses or change
of reporter -- I am actually looking for the delta toxic
chemical rank ordered by the types of facilities affected by
that. Could that be done?

MR. NATAN: Well, it could be done. The question is
if I am going to expend my resources away from doing other
things to do that, yes. Yes, I could do that.

MS. FERGUSON: Because I have no clue what this
translates in terms of -- all this tells me is how many people
were reporting at a 50 percent level fell out of the system,
the percent of the --

MR. NATAN: Actually, this is the percent that would
be excluded. So, you go all the way down to 50 percent. Some
of these are a hundred percent, if they are off-site trans-
fers, would not be reported.

MS. FERGUSON: Then a hundred percent would have 50
percent affected.

MR. NATAN: No, that is not what it is. I am sorry.
Okay. This is basically, you take these and you sort on that
on that amount and then just cut it off at 50 percent.

So, when you look at this, line No. 2, roasted cof-
fee, a hundred percent of their off-site transfers for that
industry --

MR. FEES: Tom, we are kind of getting a little
tight on time. I don't know if you want to take a lot of
questions but not be able to get through your presentation or
-- it is kind of like one or the other.

MR. NATAN: Well, basically, this is it. Okay? I

don't really have anything more to show you. I did want to acknowledge Angela Slagle here. She assisted in producing the tables. I couldn't have done this without her. I want to thank her for that.

But if you have any questions, I mean, I am around if you want to ask specifically. If you have things that you think everybody would like to hear, go ahead and ask them.

MR. FEES: I am sure we will get part of that discussion that we did --

[Multiple discussions.]

MS. FEIL: Okay. What we are going to do is exactly what we did right after lunch. We have got, I guess, five options here, A, B, C, D. We have only got about six minutes per option.

MS. PRICE: I think we may need to take some time tomorrow. Do you all want to take some time tomorrow to go -- so, start with maybe Option 1 today in this half hour or do you want to try to do Option 1 and 2 in this half hour and then do the others tomorrow. Or what would be --

MR. CRAWFORD: I think tomorrow we have got a good deal of time that we can devote to either supporting, going around the room to see what people really want on this. So, there probably is enough time to just fully develop Option 1 and then tomorrow we can do more.

[Multiple discussions.]

MS. FERGUSON: How are you going to capture those of us who don't think we have enough information to weigh in at this point in time, who are still in the need to cogitate and analyze this a little bit more perhaps in different ways?

MR. CRAWFORD: I would guess just in this period right now if you could raise those elements that you think you need before you can make a fully informed decision or comment. I mean, just listing data elements that you feel are lacking would be information for me.

MR. SKERNOLIS: Second process question.

What did you say about is going to happen tomorrow with regard to this?

MR. CRAWFORD: Well, we do have time to get back to some of the things that were raised during the brainstorming section, but I imagine there is time to give this more attention than cram all of your opinions and concerns into 30 minutes on this Form A eligibility change.

MS. PRICE: What we are talking about doing is now in this last 25 minutes is taking your comments and concerns and maybe comments about what additional analysis you think needs to be done on this Option A, increase the level of the waste threshold, and then tomorrow take maybe an hour to go through the other ones and maybe some more time if we need to on going through comments and concerns on the other options presented in this section of the paper.

MR. SKERNOLIS: I guess I am just, again, only one little member here talking because I personally have a lot more interest in the burden reduction issues we were talking about prior to the Form A discussion than about the Form A discussion and I don't want to see too much of that 8:45 to 12 o'clock time tomorrow eaten up by Form A discussion. I mean, I understand you have to give it a reasonable amount, but

there are bigger burden reduction issues than Form A.

MR. FEES: You said an hour of that time, right?

MR. SKERNOLIS: He said an hour to just talk about comments, but then this also anticipates further discussion and debate after we get through just the concerns identification.

MR. FEES: Well, I think we are going to have to do everything, unless members feel otherwise, and try to keep it to this half hour, which is waning quickly and an hour tomorrow.

Mike.

MR. ECK: I don't want to see us limit discussion on an issue, which has generated more paper almost than any other. I think we have got two more meetings in this summer time frame facing us. I think we should make a determination tomorrow after lunch because people leave very quickly on the second day, if we need to devote more time to Form A or to burden reduction in subsequent meetings. That is my suggestion.

Let's not cut off discussion tomorrow before we have even started discussion today.

MR. FEES: So, you are suggesting that we go beyond an hour, however long it takes on Form A?

MR. ECK: Well, let's have Fern hold us to an hour and then at the end of an hour ask if we as a group want to extend it on Form A or if we all believe, like Ed, that we have had all we want to say about Form A and we can make a decision.

MR. FEES: None of us really knows if it would extend. The point is that we have got these other issues that we brainstormed this morning that EPA is going to take a look at tonight or maybe later on this afternoon and give us some idea of what ones that, you know, we can really start working on and developing. So, one hour tomorrow.

MS. FEIL: We have got 20 minutes left right now to do this one issue and that gives us one hour tomorrow, 20 minutes for each of the other three. Okay? Twenty minutes each for the others. That takes up the hour. So, right now we are just looking at A. Tomorrow we will do B, C and D in that hour.

Comments on A. Mike.

MR. ECK: This is a general comment really on Table 2, but it applies to A, B, C and D. So, you won't hear from me for the rest of the day.

I think the cost savings may be very soft, may not be valid. I have four concerns. I will rattle them off quickly. In some cases, the individual chemical calculations may be done as a bunch. If you have one material with four separate reportable chemicals, once you know the percentage in that material, a lot of that tends to fall out.

I am not convinced that the savings were adjusted --

MS. FEIL: Is this the second one?

MR. ECK: Yes, second -- second reason why I am not happy with the cost savings. EPA's interim report showed that 50 percent of the people that could have used the Form A didn't bother. They interviewed nine. They found two-thirds

of those were confused, but a third of those made a deliberate choice. So, assuming 50 percent given the option, nonetheless, refused the option, the cost savings may be over inflated. So, they may not be real.

Third, and actually supporting the second, because the Form A contains less information, people may choose not to use it to avoid a worst case assumption. So, people that are reporting 10 pounds may not want to be understood to be reporting 500 pounds.

And I think, finally, production or release or any 8.1 -- any combination of 8.1 and 8.7 to calculate an amount from 500 to a suggested 5,000 pounds -- I am sorry this is complicated. I will try to restate it.

The amounts from 500 to 5,000 pounds are so small that they are subject to being influenced by the inaccuracy and the error. So, the point is you are going to spend more money making sure that number is right than you would to make sure that you had used at least 25,000 pounds of the chemical or manufacture 25,000 pounds.

So, I guess what I am saying is the cost savings may not be as described because you may spend more time in the up front calculation to determine 500 pounds, 8.1, 8.7, or 2,000 pounds, 8.1 only, just to make sure you got it right and didn't blow a reporting threshold and to do Form A when you should have done Form R.

Now, if EPA considered that at the beginning, please correct me.

That is all.

MS. CAIN: I am very much opposed to the idea of expanding the threshold for Form A requirements and in our state alone, in Massachusetts alone, we have since 1990, reporting year 1990 has 70 percent reduction in TRI releases to the environment and without this information, I think we would be unable to report such drastic reductions and such inaccurate data.

MR. FEES: You are advocating no change?

MS. CAIN: Yes, I advocate no change.

MS. FEIL: Wilma.

MS. SUBRA: The Form A is in no way a substitute for the Form R and if I went into every facility that had a Form A and assumed 500 pounds, the industry would go absolutely berserk. Then if you raise it up to any higher level, they are going to go even worse.

So, when you switch somebody from a Form R to a Form A, the citizens living around these facilities lose a tremendous amount of information for which they have nothing. They have somewhere between zero and 500 or whatever the new limit is going to be. So, I support no change as well.

MS. FEIL: Sam.

MR. CHAMBERLAIN: I support changing Form A to the 5,000 pounds reporting threshold and the reason for that being is that if you look at the numbers here, they are really insignificant to the 19 billion pounds of total waste reported and not only that, if you look at some of the larger companies, just a small error in sampling analysis that calculates into their waste streams could equate to this 27 million pounds pretty easily, that is represented by literally thou-

sands of companies reported.

MS. FEIL: Okay. Thank you.
Susie.

MS. FERGUSON: I have concerns but I don't have enough information to formulate an opinion at this point in time. What I am interested in is the risk to the public of making some decisions. If you look at the reportable quantities in Superfund, you find that a lot of the TRI chemicals are in the acute and you report them at a 1 or 10 or a hundred pound levels in terms of release. But the way we capture environmental releases and recycling doesn't directly relate to exposure. So, I am intrigued by Option 3, but what I would like to know is what that represents in terms of risk to human healthy environment.

If you got closer to an ambient value in terms of what you are reporting, this makes a lot more sense to me because I think that is the thing I have heard from our public that they are most interested in and I lack that in terms of this particular analysis or even ordering the amount of toxic chemicals.

I think in terms of the statutory provisions, substantial majority of toxic chemical is what the legal language -- "majority," to me, is more than 50 percent. I am not sure what "substantial majority" is, other than I would translate to "most" in English, but I don't know what that translates in terms of toxic chemical.

They do use the term "environmental release." I don't know how deliberate that choice is, if that is a surrogate for an ambient release. But those are the factors that are of concern or that I would like to look at in a little greater detail.

MS. FEIL: Thank you.
Ed.

MR. SKERNOLIS: I think that to the extent that Table 2 is accurate and I am sympathetic to Michael's concern with the dollar savings, but let's assume for discussion sake it is accurate. Two things leap out at me in terms of breakpoints. One is the relative inconsequential loss of information under the current basis going up to 5,000. In other words, if you get \$31 million worth of savings, but the percentage of the pounds lost, both under production related waste, as well as releases, is not great.

Now, the other breakpoint, it seems to me, is anywhere you look on the annual savings chart, the significant difference between the impact on production-related waste and on release information, again, just going down the release column, the impact is relatively minor in terms of information being moved from Form R to Form A or limited information being available, but rather substantial for production-related waste.

It seems to me EPA has to reach a decision based on those two breakpoints, you know, between the first row and everything else or between the second column and everything else because anything else, it seems to me, starts impinging on loss of data to a rather large extent.

MS. FEIL: I am not sure I captured your second half very well, but what I wrote is impact of information being

moved from Form R to A is insignificant. And then I got lost. Is there something else I should add --

MR. SKERNOLIS: I just want to summarize is obvious breakpoints in the chart. One is the current basis, Row 1, versus everything else. And then the breakpoint between production-related waste information being lost and release information being lost.

In my view, it is forcing EPA to only look at certain areas because those breakpoints are kind of a demarcation line between what I would consider to be insignificant loss of information and substantial -- I mean, it kind of leaps out at you when you look at the percentages on the chart.

MR. FEES: Keep in mind we were supposed to be looking at the current basis, which is really just that one major --

MR. SKERNOLIS: Right. What I mean by breakpoint is between going from .12 percent to going to 8.6 percent. I mean, that is a significant leap for me.

MS. FEIL: Tom and then Paul.

MR. NATAN: I think that under the fact that it is part of the Community Right to Know Act, the corresponding loss of information on facilities, as you increase the threshold from 500 to 5,000 pounds argues against making that change. There would be too many facilities for which there would be no numerical data.

MS. FEIL: Paul.

MR. ORUM: Addressing Option A here and leaving the others for tomorrow, I think we need to remember this is a right to know program, not a regulatory program. This information loss for a single facility or a single chemical is a big deal. If I took a thousand automobiles and drained out all the oil, let's say two pounds per car, that is 2,000 pounds of oil and dumped that in a creek, I would probably be arrested and put in jail.

But here we are talking about a change in a right to know law that would save even over twice that amount, a couple of thousand cars. You wouldn't even have to tell anybody where that goes, just in terms of numerical information.

I think it is really disingenuous and, in fact, manipulative, the use of the statistics that we have seen here that compares one local facility to a whole bunch of facilities around the country and says because a lot of waste is produced over here, this doesn't matter. That is false reasoning.

MS. FEIL: John and then Grant.

"Committee Member": I really applaud some of the analysis that has gone into Table 2. I think most of the comments around the table show that this is only providing a very limited sense of the impact of this change, only upon EPA itself and your own costs. We are called upon to do cost benefit analysis in many other areas as well. While I may not echo that sentiment, you truly have only given us a very limited perspective on what these changes mean.

We do not have any idea here of the impact on firms. I hear from the people around the table here of what this might do, but we don't know the number of firms that are involved, the number of facilities, how this affects their own

record keeping vis-a-vis other EPA record keeping requirements because it seems to me record keeping is much more important here than reporting.

Are we really changing the internal accounting and production monitoring capabilities that they have to field in order to be able to tell? Do I have to report or not? So, are we really changing the fundamentals inside a firm?

Second, do we really know the impact on specific communities? Looking at these Form R's, how many communities are involved? What are the kinds of other information they have in these communities? Are these communities that are predominantly industrial, as opposed to agricultural, as opposed to, you know, white collar, blue collar? We really don't know what is happening in those neighborhoods.

Third, we don't know other information related to things such as toxicity that has rightly been brought up. What is the impact on information on specific chemicals, loading calculations vis-a-vis other programs, other geographic areas, et cetera, et cetera.

These three are the slices of information, firms, communities and chemicals, I don't think is being addressed. There are probably dozens and dozens of other charts and we are really not serving ourselves to look at all the EPA's numbers here. This program is not generated based upon how much money is going to be spent. There is a backdrop of a lot of other analyses that had to go on just on this legislation.

We are really not serving ourselves if we only look at EPA's ticket here.

MS. FEIL: Okay. Grant and then David and then we are out of time.

MR. SMITH: I think by the very nature of the name of the law, it is Community Right to Know, so whatever emphasis is placed has to be on community information. This isn't the national right to know law. If you aggregate the numbers, then you will be able to say, well, this isn't important or that isn't improper but it is a community right to know law. We need to focus on community information.

Secondly, if you start pooh-poohing generation and just look at releases, you start blurring the distinction between source reduction, recycling and -- source reduction on the one hand and recycling and treatment on the other, which are waste management options.

You begin to elevate recycling and these other options to the point of saying they are the same as source reduction if you just start focusing and emphasizing releases, which seems -- some people seem to be heading.

MS. FEIL: Thank you.

One more comment we have time for.
David.

MR. FEES: Looking at that current basis, I would be amenable to considering the 1,000, possibly 2,000 threshold in so much as because of the range reporting, the values that are placed in 5.1, which could be releases, can have range codes anyway. So, a value of 500 going up to a thousand could be identified through range codes now so that there wouldn't maybe necessarily be as much loss of information in that range.

MS. FEIL: The value -- what you want -- I got lost in here.

MR. FEES: The use of range codes are such that a thousand pound threshold I don't think is significant on loss of information.

Agenda Item: Public Comment

MS. FEIL: Okay. We have half an hour for public comment and we have got four people signed up. So, you have got about seven minutes each.

The first person that we have is Damion Dozier(?).

MR. DOZIER: Well, actually, it is Damon and I am going to defer to my colleague.

MS. FEIL: We have a fifth person, so your time has just gone down by about a minute or so. You have got about 5 1/2 minutes.

MR. BROMBERG: As somebody who has worked on this for, well, more years than I want to remember, I guess, I want to provide a somewhat different perspective. We have seen a lot of very useful numbers and I should say right at the outset before I forget, I was very pleased and I think Jim Laity of OMB was very pleased that we were able to put together this document with this important information in a comprehensive manner, raising some issues you noticed and not resolving that many issues. But I thought it was a very good piece and it is the first time we have been able to reach a consensus document with EPA. So, we were all very pleased to have that.

Let me just make a couple of quick perspective kind of points. Right. You can do a lot with numbers. You can learn a lot of different things. What I have tried to focus some people on is what is really important, I think, in the end is not the national numbers that you have seen, which are suggestive of things like national economics and national percentage of the data, but at the facility level, what does it mean?

What are you going to learn about the facility by looking at a Form A or a Form R? The reason EPA did the Form A originally, and we haven't heard people really criticize the Form A at the 500 pounds, the reason they did that is because they realized and other people realize that 0 to 500 pounds of production-related waste, that that was a small enough range, unless it is a toxic chemical, which is a different situation, a small enough range that the community would be happy with that.

Right now we have 70 chemicals that wouldn't be reported under Form A. Right now you have .02 percent of the national information that is only reported potentially under Form A. And we have collectively, well, at least most of us here, have thought that was a suitable situation. Why? Because at the facility level, that Form A actually meant something.

Now personally, I was never really satisfied with the Form A. I said if we are going to do that work, why not tell somebody that it is all released to the air, it is all released to the water or it is zero. Five percent of these forms, as some people know, are zero, across the board; zero all the way across, 5 percent of these wonderful forms.

When you look at a 5 percent loss and some people

here would say horrible, we have a Form A for 5 percent of the forms, the answer is it is really okay. They could have filled out everything zero and non-applicable, but it is zero. So, when you come right down to it, what do you really want, a full report at a facility level that will satisfy you.

I come from the personal point of view is 0 to 500 is okay the way it is, to have that small segment, having that information just for that segment, which happens to be, surprisingly enough, 26 percent of all the forms. That is that big hole that I hear people, you know, have concerns about. It is a pretty small hole. It is 26 percent -- I jokingly say, 26 percent of nothing.

Right now you have a hole when you are under 25,000 pounds produced. That is a hole, too. You don't hear people talking about that. It doesn't mean we have invented the best thing here. It is not. We know that. We are dealing with reality here.

So, you want to look at it at a facility level. Are you happy with 0 to 500 being the way it is? Or as some people have recognized, just take the waste thresholds the way it is, go from 500 to 5,000. If you change much, you change very little. You have increased the amount of people who can take advantage of that exemption, of that simplified reporting and you have increased your cost savings by 50 percent. So, that is one way of looking at it. That is your Option A that we are talking about right now.

But looking at a facility level, I want to use the example of, one of the examples in Tom Natan's Table 3. Again, you know, frankly, I was terribly impressed by knowing how many facilities were excluded, how many chemicals were excluded. What only counts to me is what is happening at the facility level.

Well, in there is one of my favorites, dog and cat food, 2047. You know, that industry wanted to be entirely out of TRI, which I can understand. They have small amounts of metals that are in the dog and cat food. They have to eat it. Okay? That is what it is for. And very small amounts get into the air, 20 pounds, 30 pounds, and they are really bothered by this whole Form A thing and they want to have multiple chemicals, et cetera.

Well, 82 percent of their facilities would be excluded. No kidding. By -- you know, if you change this or change that. Well, they are excluded today, you know, at 500 pounds, frankly. So, nothing changes. So, you have to look at the facility level and you have to decide what to me -- maybe it is just to me -- is a simple thing. What do you want from this facility? Form A as is, an enhanced Form A with little boxes or Form R? That is the decision you make.

It is not about how many people are this or how many people are that. And guess what? I think you don't need more data on that. When you are making a facility level decision, it is the facility level's numbers, which you can, in theory, make them up. What are you happy with? If it is a 1,000 pound production-related threshold or a 5,000 pound, do you want to see those ranges or are you happy with the way it is?

If you exclude energy recovery and recycling, do you want to see those boxes for energy recovery and recycling or

do you want it as is, just the Form A? Some people, you know, are happy just with that because they thing recycling and energy recovery is happening someplace else and there is no risk.

So, those are decisions that I think you can make without more data about how many times it happens across the country. The fact that it happens that many times across the country is a reflection of the fact that a lot of people are doing the right thing. They have learned this lesson. They have done their waste reduction.

The guy in Massachusetts, who was processing 1.1 million pounds of styrene, he has taken the styrene. He is putting in the product and he sells it. That is the end of it. There is nothing more he can do. He is happy doing that. We are happy he is doing that. He should be in the Form A.

I assume I went beyond the seven.

MS. FEIL: No, you are at six right now.

MR. BROMBERG: Thank you.

MS. FEIL: Geoff O'Hara.

MR. O'HARA: I don't think I will take my full six minutes so I will leave some more time for the other folks.

I am Geoff O'Hara with the National Association of Chemical Distributors and I appreciate the opportunity to speak to the committee today. I would like to walk through quickly what some of the burden or the nature of the burden that our industry will face and then a little bit about what we would see as meaningful burden reduction to our industry.

NACD is a 330 member trade association. Our members handle, using the language from the statute, a substantial majority of chemicals through a distribution. We don't know - - we can't put a firm number on exactly how much, but our members handle a large majority of what moves through distribution.

Our members are 5169 SIC code facilities. So, we are one of the new industries that has been added. The nature of our business -- Bob Garner is a member of ours and he described it a little bit this morning. Essentially, our members buy chemicals in a quantity this big, put it into quantities or containers this size and then sell it. That is all that happens at the facility.

To expand on that a little bit, they might take it in this size, put it into a blending tank with another chemical and then put it into their containers this size. There is molecular chemical reaction taking place. There is no incinerating or burning or changing of the chemical itself. So, you are getting it at this size, putting it into this size.

So, our releases are largely air, fugitive emissions and filling those containers and then any line flushes for the pipes or hoses for the transfers. So, the real burden on our industry is, frankly, the number of TRI chemicals that our members handle with the -- they buy and sell chemicals. They are handling a large number of -- a diverse number of TRI chemicals and then, frankly, the number of processes that might happen or take place at their facility.

Once again, if you are buying it -- it might come in in a tank truck, then go to a storage tank, then go to a blending tank, then go to a 55 gallon drum. It might come in

in a tank truck, then go straight to a 55 gallon drum. It might come from a tank truck to a blending tank to a five gallon can. I mean, any number of, you know, might happen there, but, again, the releases are small. You know, it is just the fugitive emissions from filling one container into the next.

As far as -- you know, that sort of talks about the nature of the burden that our members face and the cost. You know, it is the first time we will be reporting. So, we don't really have a firm grasp on what the actual burden will be, but we think it is going to be substantial. EPA supported that when they put out the proposed rule. They estimated the cost of \$66,000 per facility first year and \$43,000 per facility subsequent years. Those were their numbers.

Some burden reduction for our industry -- and I am commenting a little bit on the paper that has been put before you by EPA, SBA and OMB. I think conceptually we would support most of what is in that paper, addressing the options that do not change eligibility. I don't think that would have a whole lot of help for our members, but, you know, we certainly don't have many objections to it, with the exception of D, you know, not requiring certification statement at all. I think that there is a substantial amount of information lost if those people under the 500 pounds or million pounds don't have to even certify that fact. So, we wouldn't support that.

As far as the option of changing eligibility, conceptually, again, we support all of them and probably with different priorities on different ones. Option A or D, changing the threshold, either the 500 pounds or the million pounds, that would probably be most helpful to our members if, you know, there was a combination of raising both of those thresholds.

Often times, our releases would be small, potentially under 500 pounds or a thousand pounds, but the amount of throughput that we handle these chemicals would throw us well over a million pounds. So, the combination of raising 500 and the million would be useful.

Option B, changing the category of waste criteria, that would have some real benefit to our membership and of those, Option 2, excluding the quantities recycled or energy recovered offsite, that would simply leave our members with their emissions being the air emissions that come out from the filling process. And that would drop their emissions or their waste, that would drop that significantly.

We also, you know, certainly support the concept of the expanded Form A, you know, having those different ranges. But overall the most helpful burden reduction for our membership would be -- and it has come up with several members on the committee -- is not necessarily looking at change in the Form A, but the actual data collection and what we are required to do as far as gathering that data.

And specifically for our industry if we could have, you know, specific guidance allowing us to use our throughput numbers, what we buy and what we sell, that is readily available. Multiply that by some agreed factor, emission factor, you know, not to lose any information that would go to the public and give it a conservative, you know, multiplier and then also there you have your emissions.

That would be a whole lot easier and time saving, as opposed to tracking every single transfer of every different chemical down the line.

I know my time is up. The last thing I would say is just reiterate we are one of the newly affected industries. So, whatever changes are going to be made by this committee should happen for the 1999 reporting for 1998 data, so our members don't have to learn it one time and then, you know, have it changed and learn it all over again.

Thanks.

MS. FEIL: Holly Evans.

MS. EVANS: I have a statement paper that I would like to everybody. I am going to be addressing Option 2. So, if you take a look at this overnight and, hopefully, talk about this tomorrow in your comment period.

I have six slides that I would like to present to you.

Just for the record, I represent the printed circuit board industry and here are some examples of our circuit boards. We represent the companies that manufacture the boards, as well as the companies that attach components onto the boards with the computer chips.

This is a radar detector. I will pass these around, so you can take a look at this. This is a cellular phone, actually two boards here, automobile dashboard and my favorite, a hearing aid. I need to get this one -- I need to get them all back, but especially this one. So, if you can circulate these around.

Specifically, I would like to address how Form A can be revised to achieve my favorite buzzwords, "cleaner," "cheaper," "smarter" results. We are involved in the CSI, the computers and electronics sector, and for those of you involved in a CSI, these are the three results that Carol Browner and Vice President Gore have agreed achieve win-win results.

Again, "cleaner" meaning encouraging companies to engage in activities that go up the hazardous hierarchy towards source reduction. "Cheaper" results, reducing regulatory burden and "smarter" results having EPA focus its resources on the areas where the greatest environmental risks are posed.

Two changes will achieve these results in terms of Form A. No. 1, excluding materials that are recycled over claims from Form A waste threshold calculations and, 2, standard Form A to include range reporting.

Most options contained in Section 3 of the report aren't noteworthy, except for Subsection D, which would eliminate it entirely. We do not support that option. But the options contained in Section 3 fail to encourage enhanced environmental performance.

We would like to see Form A used to encourage companies to engage in activities that actually result in less waste being released into the environment. This first change, excluding recycled or reclaimed materials from the threshold amount would do two things for our members. Currently, the way you manufacture circuit boards is you have copper clad laminate, which you selectively etch to create a circuit pat-

tem on the board.

As a result, there are large waste streams that are mainly composed of copper. Copper is a highly recyclable material and as a result, it has value. The majority of our members do recycle their copper-containing waste. However, some of them do landfill them. We want to get the companies that landfill the copper-containing waste to recycle them. So, we would like to see Form A used to help promote this activity.

By excluding the recycled or reclaimed materials from Form A, we would reward the companies that currently recycle the materials and we would also encourage companies to engage in recycling the copper waste products.

We acknowledge that making these changes would eliminate some Form R information; however, the loss of that information can be offset by including range information on Form A. A lot of our members do track the amount of waste materials that are being sent off site for recycling, so they would be able to easily check the number that would reflect the non-waste that is sent off site.

We feel that range reporting is a good compromise between encouraging companies to do the right thing, which in our industry is recycling this highly valuable material and also preserve the public's right to know about the materials that are being recycled off site.

This is an example of one of my members and the first bar represents the amount of copper-containing waste that is recycled off site. The second bar represents the amount of copper-bearing waste that is released into the environment. As you can see, they recycle more than 25,000 pounds of this copper-containing material and the amount of copper-bearing waste that is actually released to a POTW(?) is only 121 pounds.

We want the public to see this information and realize that this company, although the Form R currently does not make a distinction between the amount that is recycled and the amount that is released, we want the public to understand that this is not an environmental bad actor. This is a good actor. This is a company that is doing the right thing. They are recycling their waste products.

MS. FEIL: Your six minutes is up.

MS. EVANS: Okay. I have got one last slide.

One of my members says why are residents encouraged to recycle and companies are not? We all want our neighborhood to recycle newspapers, but businesses are not encouraged to recycle, which is a good way to do it.

Secondly, the TRI treats recycling and releases the same way. This is misleading. It is important that the public realizes that recycling is a better option than landfilling this material.

And third, recycling and reclamation reduce overall environmental risks. That should be reflected in the TRI.

That is it.

MS. FEIL: John Huber.

MR. HUBER: Just to start the process, I represent 5171 category, which are petroleum marketing facilities. As we were one of the latest entrants into the TRI program, with

the release of our category, the President and Vice President indicated that this program would start as a burden reduction effort. At least that is what we heard and that is what the Vice President said.

Now, the last time I had a meeting with Fred Hansen, he indicated that this group was unable to move forward one of the burden reductions that we were seeking, which is the expansion of Form A. From our perspective, as a new entrant -- our first filing is July 1st, 1999 -- and if we do not do changes, substantive changes to either Form A or Form R in time for that filing season, you are probably going to lead to a burden increase by our membership because we will be learning to do the form for the first time this year and next year for that filing and then if any changes are finalized subsequent to that date, it will require us to relearn the form, readjust, redo calculations, anything else that might come out of it for the second year.

So, our industry would be in the position of having to do two distinct forms possibly in a two-year period. We agree with Geoff's statement that any changes to the forms should be made in time for the July 1st, 1999 filing date, so that you can capture the new entrants into the program.

I would be very disappointed if that doesn't occur. Now, we have looked at Form A as a relatively easy way of doing burden reduction for our industry. Now, describing what our industry is, what I represent, are people who are storage facilities and repackagers of petroleum products, i.e., gasoline and diesel fuel. Essentially, they undertake the same process you do when you fill up your car in the morning.

You take fuel out of the underground tank. You put it in the gas tank and there are some fugitive emissions that result in that transaction. We take it out of a big truck, put it in a storage facility and then later fill another storage vehicle, a smaller truck, with it at the same time. Fugitive emissions occur, obviously, in that transaction. There are, obviously, straight -- pretty much a straight line relationship between the emissions and the amount of volume that goes through there.

At the 500 pound level of Form A, I guesstimate that the cut point for us to use that is 1.7 million gallons at those facilities. Anybody throughputting more than 1.7 million would probably default on Form R. Anybody less than 1.7 million would be into the Form A category.

Now, what is 1.7 million gallons? It seems like a lot to some people. Obviously, for the big companies it isn't. An average gasoline station is throughputting 100,000 gallons of gasoline a month or 1.2 million gallons a year. So, I am talking about essentially a large gasoline station in many cases.

Now, moving that up into a three gasoline station or four gasoline station mode, is that a large loss of data to the community? I don't think so. I mean, I think most people live closer to gasoline stations than to a bulk handling facility that I am describing. So, I don't think that the type of data that would be lost from our industry would be consequential.

I mean, if people in the community want to know

where gasoline is, they need to go farther than their garage or their front yard or their corner gasoline station. So, I don't know where a whole lot of information would be lost as to people not understanding where gasoline is flowing through a community because that is a chemical that I represent.

So, we do think that a Form A expansion, now, looking at that 1.7 million cut point -- as I said, that is an average, a small-sized facility. If we were to move it up by a factor of 2, a factor of 3 or perhaps a factor of 10 is being discussed in the EPA/OMB/SBA paper, we would basically be able to double, triple, whatever the factor is and, obviously, drop out a lot of those small facilities pretty quickly.

Now, the problem with the cut point at 500 pounds is that if throughput varies much, people are going to be moving between Form A and Form R, perhaps, on a yearly or bi-yearly basis, just depending on how their business is doing.

If we were to move that up to 2,000 pounds of 5,000 pounds, we would probably be able to put it out of range, where the smaller people would always be in Form A and the larger people would stay in the Form R, which I think is what EPA's overall intent is, to capture the large facilities. This would be an easy and natural way to move some of those small facilities into a natural small reporting type of category.

But just to reiterate, we do think that anything that is done should be done quickly. I know you are looking at a lot of burden reduction strategies, but to kind of not move through those expeditiously, so that people have to move through a reporting period twice, we don't find it acceptable or desirable.

MS. FEIL: Jim Laity.

MR. LATTY: I am Jim Laity from OMB. I don't think I need a microphone.

Let me just say a word, first of all, about this process from OMB's perspective. Many of you may already know this, but under the Paperwork Reduction Act, any time the Federal Government collects information from the public or requires people to -- the public to provide information to somebody else, there are a bunch of requirements that are tripped under the act. Among those are that the agency has to ensure that the information being collected has practical utility. The agency has to estimate the burden of collecting that information and the agency has to try and ensure that that agency -- that information is collected and provided in a way that minimizes the burden consistent with the statutory goals of that underlying provision of information in the first place.

OMB has a role in this statute to review those determinations -- OMB has a responsibility to review those determinations and ultimately approve or disapprove the collection of information.

The TRI program is nothing more than one large collection of information. So, we are very interested in this process and we are very interested in the issues surrounding both the value of information to communities and the burden of the information on those who have to provide it.

The Form A program was something that has been de-

veloped over the last five or six years as an effort to balance those competing concerns and preserve information, while reducing burden. However, I have heard very conflicting comments from people around this table as to whether or not the Form A program actually does really reduce burden significantly or not. And specifically, I think, Dave -- and I am sorry she left, but Krisztina -- made very strong statements to the effect that really, the burden is involved in collecting the information and that there is very little savings at all, if I heard you correctly, in, you know, which form you fill out.

I think that I would like everybody around the table to understand that there are some very serious discussions going on within the Federal Government right now about the Form A program and what direction it is going to go. As I think EPA mentioned, there was a temporary approval given for the Form A this spring in order to allow it to continue to be used this year while this process is going forward.

I would ask people tomorrow, and I am going to try and be here tomorrow -- I hadn't originally planned to, but in your comments and particularly those people who represent industries that have to fill this out, I would be very interested in your perspective on what kinds of savings the Form A program does or doesn't entail because, frankly, if many industries feel that really there is not a lot of savings here, then that certainly would be a factor that would be weighed in trying to decide the future of the program.

So, particularly those people who have commented strongly that there is not a lot of savings here, I wonder -- I would hope that you folks and some of the other folks around the table tomorrow could elaborate on whether you think there are real savings here, what they are or if you think there aren't real savings here, we would like to hear that, too.

MS. PRICE: We will break up now and start at 8:30 tomorrow and we will try and talk, as soon as we get here tomorrow morning, about how we are going to break up the time tomorrow morning between the Form A and the other burden reduction discussions.

[Whereupon, at 4:54 p.m., the meeting was recessed, to reconvene at 8:30 a.m., the following morning, Thursday, May 28, 1998.]